

To: NJDEP**From:** Terri Gerrish, CH2M HILL**Attn:** Jay Nickerson, NJDEP SRP
Peter DeMeo, NJDEP LURP
David Risilia, NJDEP ODS
Suzanne Dietrick, NJDEP ODS**Date:** February 22, 2013**Re:** Lower Passaic River, River Mile 10.9 Removal Action**We Are Sending You:****Method of shipment:**☒ Attached☐ Under separate cover via☐ Documents☐ Copies☐ Drawings☐ Specifications☐ Other:

Quantity	Description
1 each (4 total)	Waterfront Development Permit-Equivalency Application. Each hardcopy contains a CD with a pdf of the application.

Note: The hardcopy to David Risilia contains 15 hardcopies of the Compliance Statement and the Waterfront Development (dredging) plans.

If the material received is not as listed, please notify us at once.

Copy To: USEPA
de maximis, inc.
K&L Gates

Waterfront Development Permit Equivalency Application Package

River Mile 10.9 Removal Action Lower Passaic River Study Area

Prepared for
Cooperating Parties Group, Newark, New Jersey

February 2013

CH2MHILL
119 Cherry Hill Road
Suite 300
Parsippany, NJ 07054

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Jon S. Corzine
Governor

State of New Jersey
Department of Environmental Protection
Division of Land Use Regulation
PO Box 439
Trenton, NJ 08625-0439
Fax# (609)-777-3656
www.nj.gov/dep/landuse/



Mark N. Mauriello
Acting Commissioner

WATERFRONT DEVELOPMENT/COASTAL WETLANDS PERMIT APPLICATION

CHECKLIST FOR ADMINISTRATIVE COMPLETENESS

(3/27/09)

These are the submission requirements for an administratively complete application package for Waterfront Development and Coastal Wetland projects. Please read each section and check each area after you have fully completed the information for each applicable requirement. Visit our website at www.nj.gov/dep/landuse/ for additional help and information.

- ☐ 1. Completed LURP application form. See Section 1.
 - ☐ 2. Permit review fee in the form of a check, money order or government voucher (see fee schedule) Payable to: Treasurer, State of New Jersey, Environmental Services fund.
Not Applicable as this is a CERCLA project.
 - ☐ 3. Photographs showing the specific location of the proposed development taken from a minimum of four different locations and labeled as to orientation. Submit originals mounted with description and location of each view. See Section 3.
 - ☐ 4. State Plane coordinates for a point at the approximate center or the site. The accuracy of the State plane coordinate shall be within 50 feet of the actual center point of the site. Please use nad 1983. For assistance in determining the State plane coordinates for a site, contact the Department's Geographic Information (GIS) Office at (609) 777-0672. See Section 4.
- NOTE: For a shore protection development including beach nourishment, beach and dune maintenance or dune creation of one-half mile or less in length, the State plane coordinates shall include the coordinates for the end points of the development. For projects greater than one-half mile in length, the State plane coordinates shall include the coordinates for the end point of the development and the coordinates for points located at 1,000 foot intervals along the entire length of the development.
- ☐ 5. White certified mailing receipts or other written receipt as evidence that **three** complete copies of the application package have been submitted to the clerk of the municipality in which the development is proposed, including a letter requesting that the clerk distribute one copy to the planning board and one to the environmental commission. The third copy shall be maintained in the clerk's office.
See Sections 5 through 8
in the attached package.
 - ☐ 6. White certified mailing receipts or other written receipts as evidence that a copy of (1) the completed LURP application form, (2) the site plan (this plan may be on an 8.5 by 11 inch sheet of paper provided it generally depicts the proposed development and the site location), and (3) the notice below have been forwarded to the following parties:

- a) County Planning Board
- b) County Environmental Commission (if one exists)
- c) U.S. Army Corps of Engineers
- d) Municipal Construction Official
- e) Owners of real property, including easements, in accordance with 1 or 2 below:

See Sections 5 through 8
in the attached package.

1. For linear developments of one-half mile or more in length or shore protection developments including beach nourishment, beach and dune maintenance, or dune creation of more than one-half mile in length, public notice shall be provided in the official newspaper of the municipality or in a newspaper of general circulation in the municipality if there is no official newspaper(s). The newspaper notice shall be published as a display ad at least four inches in width.

Notice shall **also** be provided to all owners of property including easements, within 200 feet of a proposed above ground structure related to the linear development or shore protection development such as a pump station or treatment plant, groin, bulkhead, revetment or gabion

2. For developments other than linear development or shore protection developments of one half mile or more in length, public notice of the application shall be provided to all owners of real property, including easements, within 200 feet of the property to be developed.

NOTE: For additional development proposed on the site of an existing industrial facility of at least 100 acres in size, or a park facility of at least 50 acres in size, the Department may, at its discretion, eliminate, modify or reduce the requirement for individual notice to owners of property including easements, depending on the scope, location and anticipated impacts of the proposed development. For example, an applicant proposing to construct a salt dome or guard shack at an industrial facility located greater than 500 feet from adjacent properties would be required to provide notice in a newspaper instead of notifying all owners of property including easements within 200 feet. Similarly, an applicant proposing to construct tennis courts located on one side of a 200 acre park facility would be required to notice only those property owners within the vicinity of the proposed tennis court. If the applicant feels reduced notice for proposed development is warranted, the applicant shall contact the regional section chief at (609) 292-0060.

The public notice to property owners and governmental agencies required in item 5 above, shall read as follows:

*"This letter is to provide you with legal notification that an application will be submitted to the New Jersey Department of Environmental Protection, Land Use Regulation Program for a Permit for **(DESCRIBE THE PROPOSED DEVELOPMENT)**.*

The complete permit application package can be reviewed at either the municipal clerk's office or by appointment at the Department's Trenton office. The Department of Environmental Protection welcomes comments and any information that you may provide concerning the proposed development and site. Please submit your written comments within 15 days of receiving this letter to:

New Jersey Department of Environmental Protection
Division of Land Use Regulation
P.O. Box 439
Trenton, New Jersey 08625-0439
Attn: (Municipality in which the property is located) Section Chief

The newspaper notice required in 5 above, shall read as follows:

Not Applicable as this is a CERCLA project.

"Take Notice that an application has been submitted to the New Jersey Department of Environmental Protection, Division of Land Use Regulation for a Waterfront Development Permit for the development described below:

APPLICANT:

PROJECT NAME:

PROJECT DESCRIPTION:

PROJECT STREET ADDRESS:

BLOCK:

LOT:

MUNICIPALITY:

COUNTY:

The complete permit application package can be reviewed at either the municipal clerk's office or by appointment at the Department's Trenton office. The Department of Environmental Protection welcomes comments and any information that you may provide concerning the proposed development and site. Please submit your written comments within 15 days of receiving this notice to:

New Jersey Department of Environmental Protection
Division of Land Use Regulation
P.O. Box 439
501 East State Street
Trenton, New Jersey 08625-0439
Attn: (Municipality in which the property is located) Section Chief."

- 7. Certified list of all owners of property within 200 feet of the property to be developed. Attached in Section 7.
- 8. A copy of the public notice that was mailed to those parties listed at item 5 and 5(e)1 above. Evidence is in Section 6. Copies of letters are in Appendix F.
- 9. Applications for sites within the Pinelands Preservation Area or Protection Area must submit either a Certificate for Filing, Notice of Filing, or a Certificate of Compliance from the Pinelands Commission along with the application. Applicants may contact the Pinelands Commission at (609) 894-7300 for further information.

NOTE: An application for a project in the Pinelands Area cannot be deemed administratively complete without the above.

- ☐ 10. Applications for installing a submarine cable or sand mining in the ocean must also contain verification that a certified mail notice (white mailing receipt or other written receipt is acceptable) that a complete LURP application form and NOAA nautical chart depicting the proposed cable route or limits of the proposed sand mining area, has been forwarded to the following organizations:

- (1) Garden State Seafood Association;
- (2) National Fisheries Institute;
- (3) North Atlantic Clam Association
- (4) Rutgers Cooperative Extension
- (5) New Jersey Shellfisheries Council
- (6) New Jersey Marine Fisheries Council; and
- (7) Commercial Fishing Communications Association

Items 9 and 10 are not applicable to this project; as the Removal Action will not be completed within the Pinelands and does not involve the installation of submarine cable or sand mining.

- ☐ 11. Ten copies of documentation addressing the applicable Coastal Zone Management rules, N.J.A.C. 7:27E. This statement must discuss each individual policy that is applicable to the proposed project and may take the form of an Environmental Impact Statement (EIS) or Compliance Statement. See Section 11.

- ☐ 12. Evidence of Tidelands Ownership – Permit applications cannot be accepted for filing without evidence that a tidelands instrument has been previously issued or applied for. The Bureau of Tidelands Management may be reached at (609) 292-2573.

A Tidelands License Application for Dredging has been submitted to the Bureau of Tidelands Management. See attached Title Search.

- ☐ 13. Stormwater management must be provided in certain cases as described below. See www.njstormwater.org for more information.

A. Check (and explain) if the project:

- ☐ Is exempt from the stormwater rules at N.J.A.C. 7:8-5.2(d). (In such cases, you do not need to complete the rest of this section.)
- ☐ Meets the waiver requirements for public roadway improvements at N.J.A.C. 7:8-5.2(e).

B. Enter the total amount of land that will be disturbed onsite:

0 ft² or acres (circle one).

If at least 1 acre (43,560 ft²) of land will be disturbed, submit the following (in the engineering report):

- ☐ One completed Low Impact Design checklist (see Appendix A of BMP manual at www.njstormwater.org).
- ☐ One copy of a USGS map, showing the site and its HUC-14 watershed and indicating any 300-ft buffers onsite.
- ☐ Proof that the groundwater recharge standards at N.J.A.C. 7:8-5.4(a)2 are met (unless exempted at N.J.A.C. 7:8-5.4(a)2ii).
- ☐ Proof that the runoff quantity standards at N.J.A.C. 7:8-5.4(a)3 are met (unless the project lies in a tidal floodplain and will cause no adverse impacts to flooding, as described at N.J.A.C. 7:8-5.4(a)3iv).
- ☐ Proof that the use of nonstructural stormwater strategies has been maximized onsite via one of the following:

- ☐ A completed Nonstructural Stormwater Strategies Point System spreadsheet (see www.njstormwater.org).
- ☐ A detailed narrative (including an alternative analysis where necessary), explaining how the project does (or does not) implement all nine nonstructural strategies required at N.J.A.C. 7:8-5.3.

C. Enter the net-increase in impervious area onsite:
zero ft² or (acres) (circle one).

Include all new impervious areas onsite, as well as existing impervious areas from which stormwater currently sheet-flows, but which will be collected into a basin or storm sewer system. Subtract any impervious areas being removed onsite.

If a net-increase of at least ¼ acre (10,890 ft²) of impervious area will occur, submit all material in Part B above and the following:

- ☐ Proof (in the engineering report) that the water quality standards at N.J.A.C. 7:8-5.5 are met.

☐ 14 Development Plans – Submit 15 copies of a development plan to the appropriate scale (**MUST BE FOLDED** if larger than 8 ½ x 11 inch size), indicating the following: See Section 14.

- a) The lot;
- b) All existing waterfront structures (piers, bulkheads, pilings, etc.) on the lot and immediately adjacent lots (if vacant or if no structure exists, please state so);
- c) Locations and dimensions of areas, structures, lots, wetlands, mean high water line, spring high water line, upland property, road and utility lines;
- d) The proposed construction (structures, grading, filling, etc.) and the proposed development area clearly labeled and showing all distances and dimensions;
- e) The general site location of the development, which may be on a county or local road map or an insert from U.S. Geological Survey topographic quadrangle map;
- f) The scale of the survey or map, and a north arrow;
- g) The name of person who prepared the plan and date prepared;
- h) The name of the applicant, lot and block number(s), and municipality. Leave a margin of one inch on the top and left hand sides of the plan;
- i) Dock plans must show channel location, depths at mean low water outshore of the dock for a distance of at least 100 feet (excluding lagoons), location and orientation of proposed mooring areas, mooring area depths at mean low water, including the method, time, date of soundings, cross sections of the dock including height and width of wetland crossings;
- j) Location of upper and lower wetlands boundary. The “upper” wetlands boundary refers to the upland or landward limit of wetlands, and the “lower” wetlands boundary refers to the waterward limit of wetlands;
- k) Dredging plans must show the area to be dredged, existing depth, proposed depth, adjacent depths, the amount of material to be dredged, the method of dredging, the exact location of the dredge material dewatering and disposal site by municipal block and lot, and the means of containing the spoils. A dredge material analysis may also be required; and
- l) Plans for development landward of the mean high water line must show all existing structures, roads, utilities, topography, vegetation, coastal and freshwater wetlands, mean high water line, spring high water line, and any proposed structures, filling,

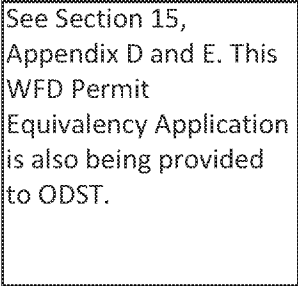
grading, excavation, clearing, roads, utilities, sewers, landscaping and lighting, and soil erosion and sediment control devices.

NOTE: Development plans for activities in an area subject to a tidelands instrument shall be prepared by a professional engineer or land surveyor, and must depict the limits of the tidelands instrument. All activities in areas except man-made lagoons are subject to this requirement.

- 15 DREDGING APPLICATIONS shall be submitted to the Office of Dredging and Sediment Technology at P.O. Box 028, Trenton, NJ 08625-0028. Questions concerning dredging applications should be directed to the Office of Dredging and Sediment Technology at (609) 292-1250. Attachment "A" contains the additional information required for dredging projects.

Application packages shall be submitted to:

New Jersey Department of Environmental Protection
Division of Land Use Regulation
P.O. Box 439
Trenton, New Jersey 08625-0439
Attn: Application Support



See Section 15, Appendix D and E. This WFD Permit Equivalency Application is also being provided to ODST.

Attachment "A"
Additional Information Required for Dredging Projects

Dredging projects in tidal waters typically require that dredged material be sampled and tested and that an acceptable placement site with sufficient capacity be identified as part of the Waterfront Development Permit Application. Because the number of sediment sample cores, target analytes and specific analytical tests will vary depending on the location of the project, the method of dredging and the dredged material placement site, the Department strongly encourages prospective applicants to secure a dredged material sampling and testing plan prior to application. The following information is required for the Department to prepare a dredged material sampling and testing plan for a specific dredging project.

- 1) A copy of the USGS quad map(s) showing the location of the dredging site and disposal site; See Item 1.
- 2) A description of the dredging project including: See attached.
 - a. Volume of material to be dredged;
 - b. Depth of proposed dredging;
 - c. History of dredging at the project site (for example, the date of last dredging and volume);
 - d. Method of dredging proposed, (For example, hydraulic or mechanical);
 - e. Proposed use or disposal site for dredged material and owner of site;
 - f. Proposed add mixtures to be blended with dredged material, or treatment technology; and
 - g. Any known spills at or near the dredging site; and
- 3) Two copies of recent bathymetry of the dredging site. The bathymetry shall be: See attached.
 - a. Dated and not more than 6 months old;
 - b. Performed by an ACSM certified hydrographer; and
 - c. Accurate to .10 foot vertical and 1 foot horizontal.

In addition, the bathymetry shall identify:

- a. The area(s) to be dredged; and
- b. All nearby features, bulkheads, outfalls, mooring dolphins etc.

If dredged material is proposed to be used as remediation material at the Historic Area Remediation Site (HARS, formerly the Mud Dump Ocean Disposal Site) please contact Region 2 of the U. S. Environmental Protection Agency directly for sampling and testing guidance.

For additional information concerning New Jersey's sampling and testing requirements please consult the Department's technical manual, *The Management and Regulation of Dredging Activities and Dredged Material in New Jersey's Tidal Waters*, (October, 1997). Requests for sampling plans should be sent to the Department of Environmental Protection, Office of Dredging and Sediment Technology, P.O. Box 028, Trenton, New Jersey 08625. Questions concerning the required information should be directed to the Office of Dredging and Sediment at (609) 292-1250.

1.0 Completed Division of Land Use Regulation Application Form (LURP-2)



State of New Jersey
Department of Environmental Protection
Division of Land Use Regulation Application Form (LURP-2)
Division of Land Use Regulation
501 E. State Street Mail Code 501-02A P.O. Box 420
Trenton, NJ 08625-0420
www.nj.gov/dep/landuse



PLEASE PRINT OR TYPE THE FOLLOWING: (Complete all sections unless otherwise noted)

1. Applicant Name: Lower Passaic River Study Area Cooperating Parties Group ("Cooperating Parties Group"), an unincorporated association Email: william.hyatt@kigates.com
Address: c/o William H. Hyatt, Jr., coordinating counsel for the Cooperating Parties Group One Newark Center, 10th Floor City: Newark
State: NJ Zip: 07102 Daytime Phone: 973-848-4000 Ext.: _____ Cell Phone: _____
2. Agent Name: Willard Potter Firm: DeMaximis, Inc Email: otto@demaximis.com
Address: 186 Center Street Suite 290 City: Clinton
State: NJ Zip: 08809 Daytime Phone: 908-735-9315 Ext.: _____ Cell Phone: 908-510-1036
3. Property Owner Name: State of New Jersey Email: _____
Address: _____ City: _____
State: _____ Zip: _____ Daytime Phone: _____
4. Project Name: Lower Passaic River (LPR) RM 10.9 Removal Area Site Location (Street Address): Inside bend of the LPR upstream of the DeJessa Park Avenue Bridge on eastern side of channel, from RM 10.65 to RM 11.1
Zip: 07071 Municipality: Lyndhurst County: Bergen
Block(s): 48 Lot(s): 2
N.A.D. 1983 State Plane Coordinates (feet) 6 digits only: E (x): 593070 N (y): 723940
Nearest Waterway: Lower Passaic River Watershed: Passaic River Subwatershed: Lower Passaic River
5. Fees: Total Fee: \$0 (CERCLA site) Project Cost: _____ Check No: _____

6. **Project Description:**

The sediment removal will be conducted under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) River Mile (RM) 10.9 Removal Action (CERCLA Docket No. 02-2012-2015). The CPG will remove, treat, and/or properly dispose of approximately 20,000 cubic yards (yd3) of sediment from the designated portion (i.e., the removal area) of the RM 10.9 Sediment Deposit Area. The project involves the following elements:

- Mechanically dredge (using an environmental clamshell bucket and best management practices) the contaminated surface sediments to a depth of 2 ft from the RM 10.9 Removal Area
- Solidify the water content of the sediments at an existing permitted waterside facility and transport the dredged materials to a designated existing permitted off-site Subtitle C landfill
- Transport the process wastewater and barge supernatant to an existing commercial offsite facility prior for treatment and discharge
- Cap the newly exposed sediment surface
- o Transport the stabilized sediments to the offsite disposal facility

The RM 10.9 Sediment Deposit Area, an area within the RM 10.9 Study Area, extends approximately 2,380 feet (ft), from RM 10.65 to RM 11.1. The RM 10.9 Removal Area is an approximately 5.6-acre area located on the eastern side of the LPRSA within the RM 10.9 Sediment Deposit Area.

The removal area is situated along an inside bend of the LPR upstream of the DeJessa Park Avenue Bridge and includes the mudflat and point bar in the eastern half of the river channel. It is bounded to the west by the navigation channel of the Passaic River and to the east by the Riverside Park complex, which is owned and operated by Bergen County and the Town of Lyndhurst.

7. **Application(s) for:** Check all that apply (Please follow directions on page 5)

	Application Type	Fee Amt	Amt Paid
	Flood Hazard Area		
<input type="checkbox"/>	FHA Verification		
<input type="checkbox"/>	FHA Individual Permit		
<input type="checkbox"/>	FHAGP1 / Chan Clean w/o Sed Removal	No Fee	No Fee
<input type="checkbox"/>	FHAGP1 / Chan Clean w/Sed Removal	No Fee	No Fee
<input type="checkbox"/>	FHAGP2A / Ag - Bank Restoration		
<input type="checkbox"/>	FHAGP2B / Ag - Channel Cleaning		
<input type="checkbox"/>	FHAGP2C / Ag - Road Crossing		
<input type="checkbox"/>	FHAGP2D / Ag - Wetlands Restoration		
<input type="checkbox"/>	FHAGP2E / Ag - Livestock Ford		
<input type="checkbox"/>	FHAGP2F / Ag - Livestock Fence		
<input type="checkbox"/>	FHAGP2G / Ag - Livestock Water Intake		
<input type="checkbox"/>	FHAGP3 / Bridge/Culvert Scour Protection		

	Application Type	Fee Amt	Amt Paid
	Flood Hazard Area		
<input type="checkbox"/>	FHAGP4 / Stormwater Maintenance		
<input type="checkbox"/>	FHAGP5 / Building Relocation		
<input type="checkbox"/>	FHAGP6 / Rebuild Damaged Home	No Fee	No Fee
<input type="checkbox"/>	FHAGP7 / Residential in Tidal FHA		
<input type="checkbox"/>	FHAGP8 / Utility Crossing <50acres		
<input type="checkbox"/>	FHAGP9 / Road Crossing <50acres		
<input type="checkbox"/>	FHAGP10 / Stormwater Outfall <50acres		
<input type="checkbox"/>	Revision of a GP, IP or Verification		
<input type="checkbox"/>	Transfer of an Approval		
<input type="checkbox"/>	FHA Ind Permit Equivalency/CERCLA		
	Stormwater Review Fees		
<input type="checkbox"/>	Fee for all Stormwater Reviews		

Revised 06/30/2011

	Application Type	Fee Amt	Amt Paid
	Applicability Determination		
<input type="checkbox"/>	Coastal Jurisdictional Determination	No Fee	No Fee
<input type="checkbox"/>	Highlands Jurisdictional Determination	No Fee	No Fee
<input type="checkbox"/>	Flood Hazard Area Applicability	No Fee	No Fee
<input type="checkbox"/>	Executive Order 215	No Fee	No Fee
	CAFRA		
<input type="checkbox"/>	Individual Permit		
<input type="checkbox"/>	Exemption Request		
<input type="checkbox"/>	Permit Modification		
<input type="checkbox"/>	CAFGP5 / Amusement Pier Exp		
<input type="checkbox"/>	CAFGP6 / Beach/Dune Maintenance		
<input type="checkbox"/>	CAFGP7 / Voluntary Reconstruction		
<input type="checkbox"/>	CAFGP8 / New Single Family or Duplex		
<input type="checkbox"/>	CAFGP9 / Reconstruct Single Fam/Dup		
<input type="checkbox"/>	CAFGP10 / New Bulkhead/Fill Lagoon		
<input type="checkbox"/>	CAFGP11 / Revetment	WFD Permit Equivalency	
<input type="checkbox"/>	CAFGP12 / Gabions		

	Application Type	Fee Amt	Amt Paid
	Coastal/Tidal Wetlands		
<input type="checkbox"/>	Coastal/Tidal Wetlands Permit		
<input type="checkbox"/>	Coastal Wetland Permit Modification		
	Freshwater Wetlands		
<input type="checkbox"/>	FWGP1 / Main. & repair Exist Feature		
<input type="checkbox"/>	FWGP2 / Utility Crossing		
<input type="checkbox"/>	FWGP3 / Discharge of Return Water		
<input type="checkbox"/>	FWGP4 / Hazard Site Invest/Cleanup		
<input type="checkbox"/>	FWGP5 / Landfill Closure		
<input type="checkbox"/>	FWGP6 / Filling of NSWC		
<input type="checkbox"/>	FWGP6A /TA- Filling of NSWC		
<input type="checkbox"/>	FWGP7 / Fill ditch / swale		
<input type="checkbox"/>	FWGP8 / House Addition		
<input type="checkbox"/>	FWGP9 / Airport Sightline Clearing		
<input type="checkbox"/>	FWGP10A / Very Minor Road Crossing		
<input type="checkbox"/>	FWGP10B / Minor Road Crossing		
<input type="checkbox"/>	FWGP11 / Outfalls / Intakes		

<input type="checkbox"/>	CAFGP13 / Support Facilities/ Marina		
<input type="checkbox"/>	CAFGP14 / Reconst Bulkhead A/MHWL		
<input type="checkbox"/>	CAFGP15 / Hazard Waste Clean-up		
<input type="checkbox"/>	CAFGP16 / Landfall of Utilities		
<input type="checkbox"/>	CAFGP17 / Recreat Facility Public Park		
<input type="checkbox"/>	CAFGP18/BulkheadConstruct/Fill upland		
<input type="checkbox"/>	CAFGP21 / Shoreline Stabilization		
<input type="checkbox"/>	CAFGP22 / Avian Nesting Structures		
<input type="checkbox"/>	CAFGP23 / Electrical Sub Facility		
<input type="checkbox"/>	CAFGP24 / Legalize Filling of Tidelands		
<input type="checkbox"/>	CAFGP25 / Construct Telecom Tower		
<input type="checkbox"/>	CAFGP26 / Tourism Ind Construction		
<input type="checkbox"/>	CAFGP27 / Geotechnical Borings		
<input type="checkbox"/>	CAFGP29 / Habitat Creation/Enhance		
<input type="checkbox"/>	CAFGP30 / 1 to 3 Turbines < 200 Feet		
<input type="checkbox"/>	CAFGP31 / Wind Turbines < 250 Feet		
<input type="checkbox"/>	Individual Permit Equivalency/CERCLA		
	Waterfront Development		
<input type="checkbox"/>	WDGP10 / New Bulkhead/Fill Lagoon		
<input type="checkbox"/>	WDGP14 / Reconstruct Bulkhead		
<input type="checkbox"/>	WDGP19/Dock/Piers, Boat Lifts Lagoon		
<input type="checkbox"/>	WDGP20 / Minor Maint Dredge Lagoon		
<input type="checkbox"/>	WDGP21 / Shoreline Stabilization		
<input type="checkbox"/>	Individual Permit/Upland		
<input checked="" type="checkbox"/>	Individual Permit/Inwater	CERCLA	
<input type="checkbox"/>	Zane Letter		
<input type="checkbox"/>	Modification		
<input type="checkbox"/>	Individual Permit Equivalency/CERCLA		
	Highlands		
<input type="checkbox"/>	Emergency Permit		
<input type="checkbox"/>	Pre-application Meeting		
<input type="checkbox"/>	Preservation Area Approval		
<input type="checkbox"/>	PAA with Waiver		
<input type="checkbox"/>	Resource Area Determination footprint		
<input type="checkbox"/>	Resource Area Determination <acre		
<input type="checkbox"/>	Resource Area Determination >acre		
<input type="checkbox"/>	HPAAGP 1/ Habitat Creation/Enhance		
<input type="checkbox"/>	HPAAGP 2 Bank Stabilization		
	Consistency Determination		
<input type="checkbox"/>	Water Quality Certificate		
<input checked="" type="checkbox"/>	Federal Consistency	No Fee	No Fee
<input type="checkbox"/>	HMC Water Quality Certificate		

<input type="checkbox"/>	FWGP12 / Survey / Investigation		
<input type="checkbox"/>	FWGP13 / Lake Dredging		
<input type="checkbox"/>	FWGP14 / Water Monitoring		
<input type="checkbox"/>	FWGP15 / Mosquito Control		
<input type="checkbox"/>	FWGP16 / Habitat Create / Enhance	No Fee	No Fee
<input type="checkbox"/>	FWGP17 / Trails / Boardwalks		
<input type="checkbox"/>	FWGP17A / Multiuse paths		
<input type="checkbox"/>	FWGP18 / Dam Repairs		
<input type="checkbox"/>	FWGP19 / Dock or Pier		
<input type="checkbox"/>	FWGP20 / Bank Stabilization		
<input type="checkbox"/>	FWGP21 / Above Ground Utility		
<input type="checkbox"/>	FWGP23 / Expand Cranberry		
<input type="checkbox"/>	FWGP24 / Spring Developments		
<input type="checkbox"/>	FWGP25 / Malfunction Septic System	No Fee	No Fee
<input type="checkbox"/>	FWGP26 / Channel / Stream Clean		
<input type="checkbox"/>	FWGP27 / Redevelop Disturbed Site		
<input type="checkbox"/>	FWGP Modification		
<input type="checkbox"/>	FWGP Extension		
<input type="checkbox"/>	Individual Wetlands Permit		
<input type="checkbox"/>	Individual Open Water Permit		
<input type="checkbox"/>	Individual Permit Mod. Major/Minor		
<input type="checkbox"/>	Individual Permit Extension		
<input type="checkbox"/>	Wetlands Exemption		
<input type="checkbox"/>	Permit Equivalency/CERCLA		
	Letter of Interpretation		
<input type="checkbox"/>	Presence Absence		
<input type="checkbox"/>	Presence Absence Footprint		
<input type="checkbox"/>	Delineation		
<input type="checkbox"/>	Verification		
<input type="checkbox"/>	Extension		
	Transition Area Waiver		
<input type="checkbox"/>	Averaging Plan		
<input type="checkbox"/>	Reduction		
<input type="checkbox"/>	Hardship Reduction		
<input type="checkbox"/>	Special Activity Stormwater		
<input type="checkbox"/>	Special Activity Linear Development		
<input type="checkbox"/>	Special Activity Redevelopment		
<input type="checkbox"/>	Special Activity Individual Permit		
<input type="checkbox"/>	Exemption		
<input type="checkbox"/>	Modification Major/Minor		
<input type="checkbox"/>	Extension		

Both the Applicant and Property owner's section must be filled out for all Land Use Regulation Applications

A. APPLICANT SIGNATURE

I certify under penalty of law that the information provided in this document is true and accurate. I am aware that there are significant civil and criminal penalties for submitting false or inaccurate information. (If corporate entity, print/type the name and title of person signing on behalf of the corporate entity.)

Signature of Applicant/Owner

2-19-13

Date

William H. Hyatt, Jr., as coordinating counsel
for the Cooperating Parties Group

Print Name

Signature of Applicant/Owner

Date

Print Name

Print Address One Newark Center, 10th Fl,
Newark, NJ 01702

Print Address

B. PROPERTY OWNER'S CERTIFICATION

I hereby certify that the undersigned is the owner of the property upon which the proposed work is to be done. This endorsement is certification that the owner grants permission for the conduct of the proposed activity. In addition, I hereby give unconditional written consent to allow access to the site by representatives or agents of the Department for the purpose of conducting a site inspection or survey of the project site.

In addition, the undersigned property owner hereby certifies:

1. Whether any work is to be done within an easement – Yes: ☐ No: ☐
2. Whether any part of the entire project (e.g., pipeline, roadway, cable, transmission line, structure, etc.) will be located within property belonging to the State of New Jersey-Yes: ☒ No: ☐
3. Whether any work is to be done on any property owned by any public agency that would be encumbered by Green Acres – Yes: ☐ No: ☒
4. Whether any part of this project requires a Section 106(National Register of Historic Places) Determination as part of a federal permit or approval – Yes: ☐ No: ☒

Signature of Owner

No signature - owner is the State

Date

Print Name

Print Address

Signature of Owner

Date

Print Name

Print Address

C. APPLICANT'S AGENT

NOTE: Notary seal is required for Flood Hazard Area (SEA) applications.

I William H. Hyatt, the Applicant/Owner, authorize to act as my agent/representative in all matters pertaining to my application the following person:

Name Willard Potter

Occupation/Profession Project Coordinator

(Signature of Applicant/Owner)

I agree to serve as agent for the above-mentioned applicant

(Signature of Agent)

AGENT'S CERTIFICATION

Sworn before me this day of

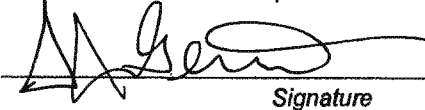
February 19, 2013

MARY E. DOHERTY
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 4/25/2016

Mary E. Doherty
Notary Public

D. STATEMENT OF PREPARER OF PLANS, SPECIFICATIONS, SURVEYOR'S OR ENGINEER'S REPORT

I hereby certify that the plans, specifications and engineer's report, if any, applicable to this project comply with the current rules and regulations of the New Jersey Department of Environmental Protection with the exceptions as noted. In addition, I certify the application is complete as per the appropriate checklist(s).



Signature

Theresa Ann Gerrish, February 15, 2013

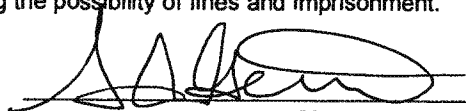
Type: Name and Date

Vice President, CH2M HILL

Position, Name of Firm

E. STATEMENT OF PREPARER OF APPLICATION, REPORTS AND/OR SUPPORTING DOCUMENTS (other than engineering)

I certify under penalty of law that I have personally examined the information submitted in the document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining and preparing the information, I believe that the information is true, accurate and complete in accordance with the appropriate checklist(s). I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.



Signature

Theresa Ann Gerrish

Type: Name and Date

Vice President, CH2M HILL

Position, Name of Firm

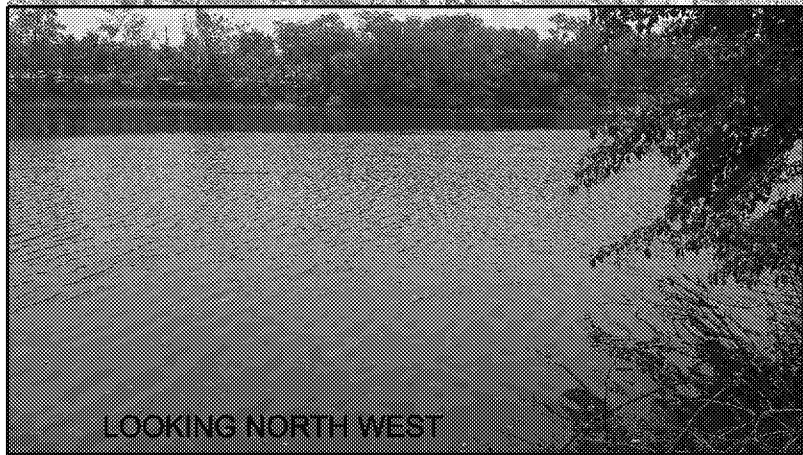
2.0 Permit Review Fee

Not Applicable. This is a Federally-mandated removal action under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP); therefore, no permit fees are included with this application.

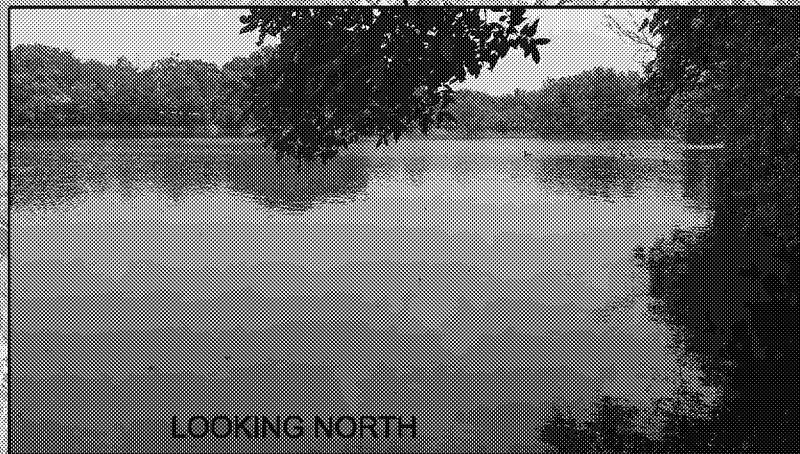
3. Site Photographs



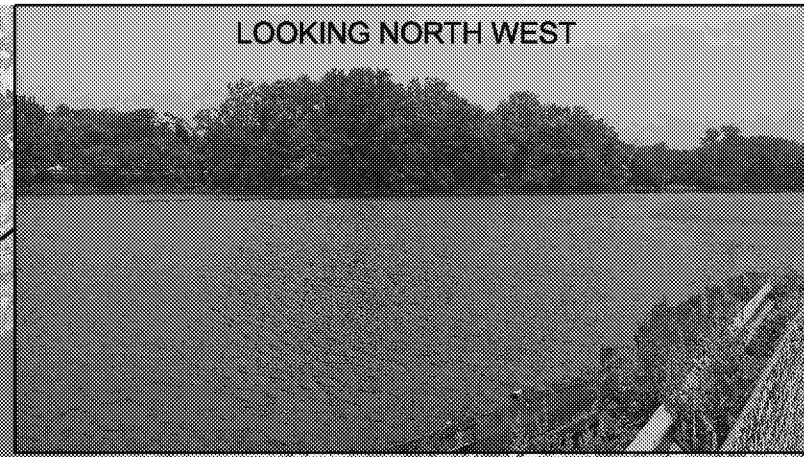
LOOKING WEST



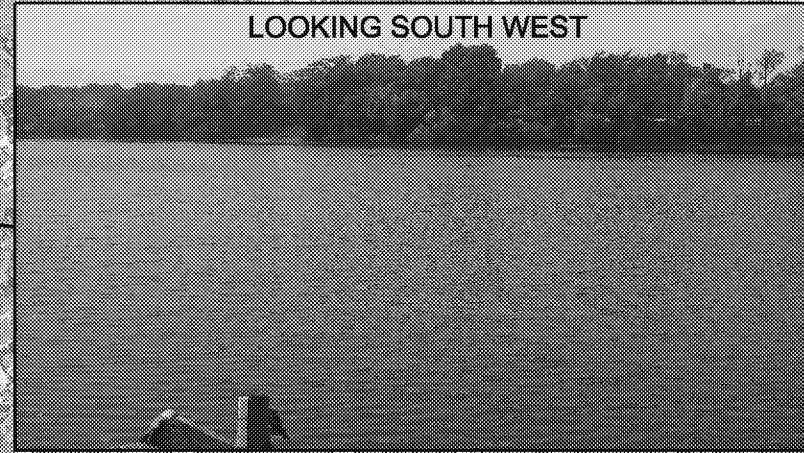
LOOKING NORTH WEST



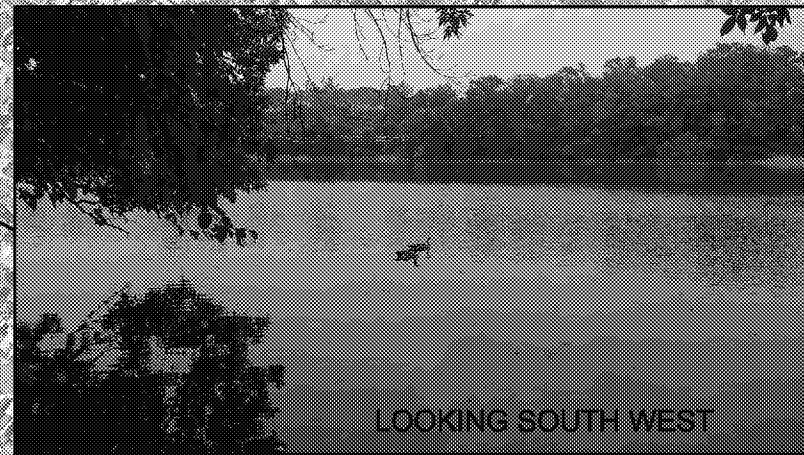
LOOKING NORTH



LOOKING NORTH WEST

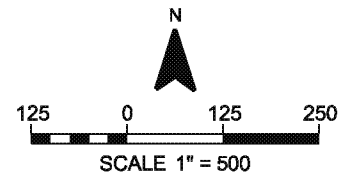


LOOKING SOUTH WEST



LOOKING SOUTH WEST

Note:
Arrows indicate the direction of the photo



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APPLICANT: HYATT, JR.
ON BEHALF OF LOWER PASSAIC RIVER STUDY AREA
COOPERATING PARTIES GROUP (LPRSA CPG)
K&L GATES LLP
ONE NEWARK CENTER, 10TH FLOOR
NEWARK, NJ 07102

LOWER PASSAIC RIVER STUDY AREA
RM103 SEDIMENT DEPOSIT TIME CRITICAL REMOVAL ACTION
LYNDHURST, NEW JERSEY
(LOT AND BLOCK IN RIVER ACTION)

SITE PHOTOS
WATERFRONT DEVELOPMENT PERMIT

VERIFY SCALE
BAR IS ONE INCH ON
ORIGINAL DRAWING.
DATE 13 FEB 2013
PRJ LOWER PASSAIC RIVER
DWG
SHEET

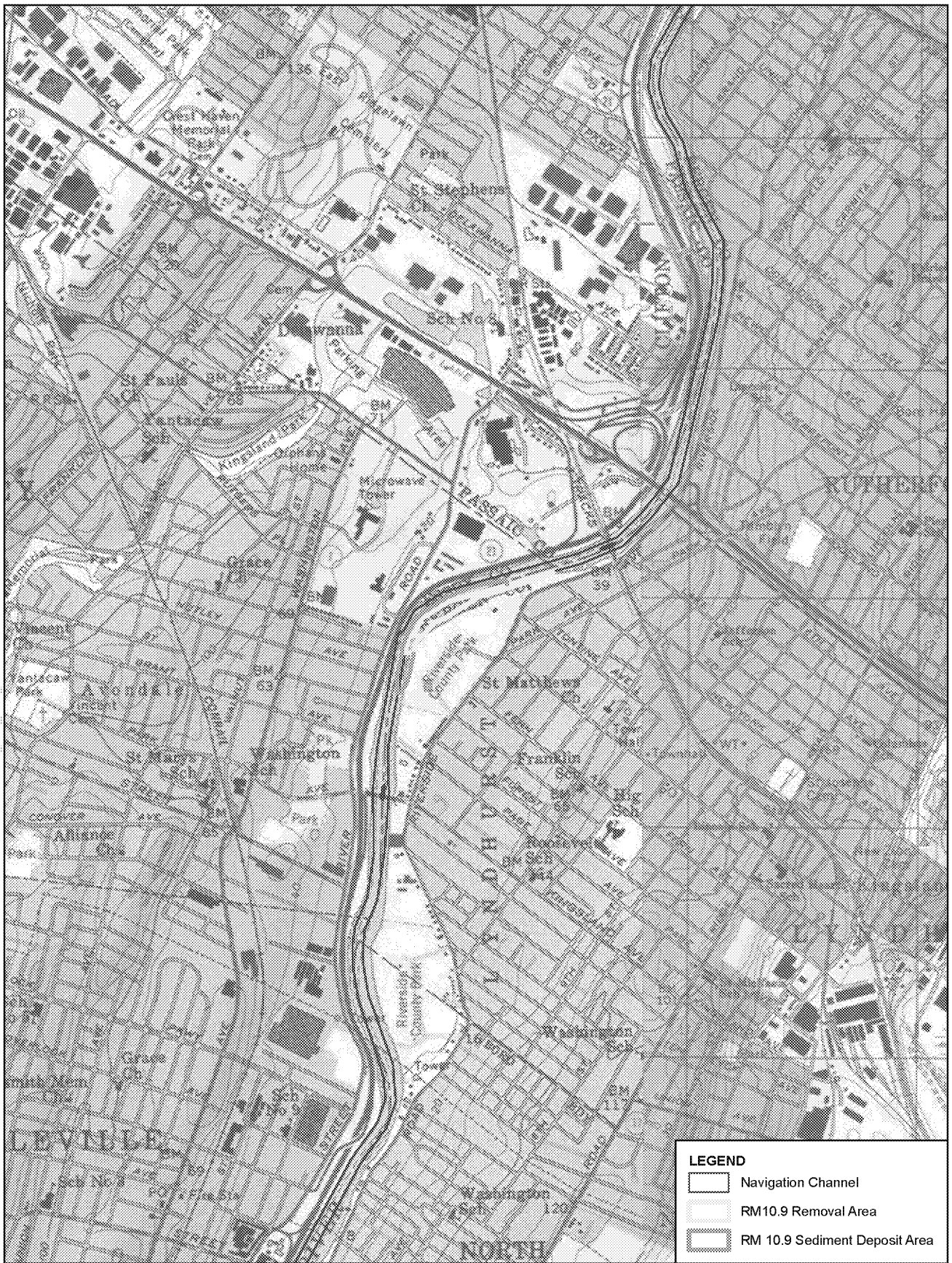
NO. DATE DR D LIEBERSBACH K GALLOWAY
BY APVD

THIS DOCUMENT AND THE IDEAS AND DESIGNS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF CH2M HILL AND IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF CH2M HILL. ©CH2M HILL 2012. ALL RIGHTS RESERVED.

4. Project Site State Plane Coordinates

The State Plane coordinates for the center of the removal area are: 593070E, 723940N, datum: NAD 1983. The location of the removal area is shown on Figure 1. The coordinates of the removal area are shown on Figure 2 Site Layout.

DAY:\PROJECTS\2012\2012-00000717-00021\FIG1-2.LPR 10:09 12/26/2012 1:14:35 PM



Notes:
1. Topo Source: 2011 National Geographic Society, i-cubed

FIGURE 1
Topographic Map
Lower Passaic River Study Area, New Jersey

CH2MHILL

5. Evidence of Submission to the Clerk of the Township of Lyndhurst, New Jersey

This submission is administrative and not required under CERCLA. However, evidence of submission to the Clerk of the Township of Lyndhurst is attached. (Not applicable to the copies submitted to the Clerk of the Township of Lyndhurst)

0569 2572 2000 0952 2002

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Street, Ap or PO Box	Lyndhurst, New Jersey 07071
City, State	

PARISIANUS 8666-45020



de maximis, inc.

186 Center Street
Suite 290
Clinton, NJ 08809
(908) 735-9315
(908) 735-2132 FAX

Willard F. Potter

Project Coordinator
Lower Passaic River Study Area
Cooperating Parties Group

February 18, 2013

Township Clerk of Lyndhurst
253 Stuyvesant Avenue
Lyndhurst, New Jersey 07071

Via US Certified Mail Return Receipt

**Subject: Public Notification of Proposed Development
River Mile 10.9 Removal Action
Lower Passaic River Study Area, Lyndhurst, New Jersey**

To the Township Clerk:

In accordance with the New Jersey Administrative Code (N.J.A.C.) 7:7 Coastal Permit Programs Rule, Subchapter 4, Permit Review Procedure, this letter is to provide you with legal notification that a permit-equivalent application will be submitted to the New Jersey Department of Environmental Protection (NJDEP), Land Use Regulation Program (LURP) for the project described below and shown on the enclosed plan. A Waterfront Development permit-equivalent is required for this project because it involves dredging of sediment from the Lower Passaic River.

Three copies of the complete LURP 2 permit-equivalent application package are included. Per N.J.A.C. 7:7 requirements, please distribute one copy to your Planning and Zoning Board and Environmental Commission. Retain the third copy for your office files.

The complete permit-equivalent application package can also be reviewed by appointment at the NJDEP's Trenton office. The NJDEP welcomes comments and any information that you may provide concerning the proposed development and site.

Please submit your *written* comments within 15 days of your receipt of this letter to:

New Jersey Department of Environmental Protection
Land Use Regulation Program
PO Box 439
501 East State Street
Trenton, New Jersey 08625-0439
Attn: Lyndhurst Section Chief

Please submit a copy of your comments to me at:

Willard F. Potter
Project Coordinator
Lower Passaic River Study Area Cooperating Parties Group
de maximis, Inc.
186 Center Street Suite 290
Clinton, New Jersey 08809

You can also contact the NJDEP Division of Land Use Regulation by telephone at 609-777-0454 and can obtain general information about the program at the following link www.nj.gov/dep/landuse

Project Description

This sediment Removal Action will be conducted by the Lower Passaic River Study Area Cooperating Parties Group pursuant to a settlement agreement, and with the oversight of the U.S. Environmental Protection Agency (EPA) under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (CERCLA Docket No. 02-2012-2015). The New Jersey Department of Environmental Protection (NJDEP) is also involved through its review of the project specifications and through issuance of Permit Equivalents for actions such as dredging.

The Lower Passaic River Study Area Cooperating Parties Group (LPRSA CPG) intends to remove two feet of sediment from the Lower Passaic River in the vicinity of River Mile (RM) 10.9 adjacent to Riverside County Park and the Thomas F. Gallagher Memorial Recreation Area in the Township of Lyndhurst, County of Bergen. The RM 10.9 Removal Area extends approximately 2,380 feet (ft), from RM 10.65 to RM 11.2, on the eastern side of the river and upstream from the DeJessa Park Avenue Bridge (see Figure 1).

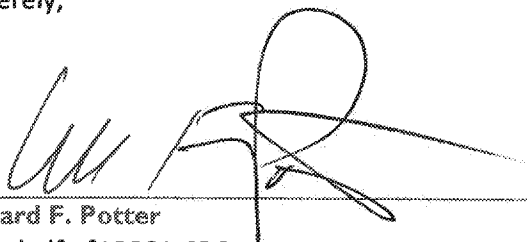
The sediment will be dredged with an environmental clamshell bucket and other recognized best management practices. The sediment will then be transported by barge to a down river, commercial sediment processing facility at which it will be prepared and then transported for out-of-state landfill disposal. An engineered cap will replace the removed sediment; the cap is being designed to physically and chemically isolate the remaining sediment from the environment.

» Page 2

The in-water dredging is planned to occur in July and August, 2013. No adjacent upland property will be utilized during this Removal Action. There will be no changes in elevation or flooding potential from this in-river work.

If you have further questions or require additional information on this project, please contact us at 908-735-9315.

Sincerely,



Willard F. Potter

On behalf of LPRSA CPG

Enclosures:

Figure 1 – Project Location

LURP 2 Waterfront Development Package (3 copies)

Cc: Lyndhurst Construction Department

Bergen County Environmental Council

US Army Corps of Engineers

DAY:\ANTHONE\PRO\IL\LOWERPASSAICRIVER\RP412305\LOWERPASSAIC\CF\SIGIS\MAPFILE\SRM10.9\FIG1_PUB\NOTE_LPRSTUDYAREA.MXD ECLARK1 2/18/2013 12:18:29 PM



Note:
Orthophoto: NJGIS, 2007

FIGURE 1
Project Location
River Mile 10.9 Removal Area, Lower Passaic River

CH2MHILL

6. Evidence of Submission to Local Agencies and Property Owners Within 200 Feet of the Project Area

This submission is administrative and not required under CERCLA. However, evidence of distribution to local agencies and owners of properties within 200 feet of the project area is attached.

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Street, Apt. No., or PO Box No.: 26 Federal Plaza, Room 2109
City, State, ZIP+4: NY, NY 10278-0090

PS Form 3800, August 2005

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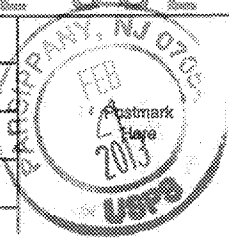
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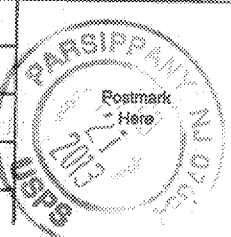
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Department: Department
Street, Apt. No., or PO Box: 253 Stuyvesant Avenue
City, St: Lyndhurst, New Jersey 07071

PS Form 3800, August 2005

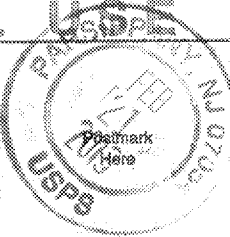
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City, State, Z	Jersey City, New Jersey 07305

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Street, Apt. # or PO Box No	246 Madisonville Road
City, State, Z	Basking Ridge, New Jersey 07920

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City, State, ZIP+4: Lyndhurst, New Jersey 07071

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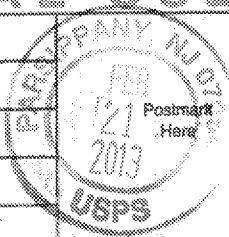
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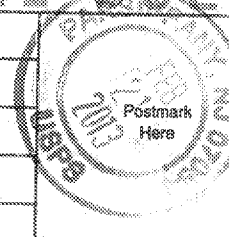
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Street, Apt. No., or PO Box: 216 Riverside Avenue
City, State, ZIP+4: Lyndhurst, New Jersey 07071

PS Form 3800, 7-07

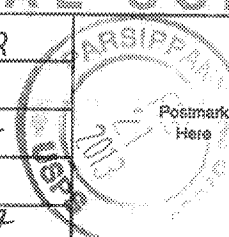
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Street, Apt. or PO Box	170 Riverside Avenue
City, State	Lyndhurst, New Jersey 07071

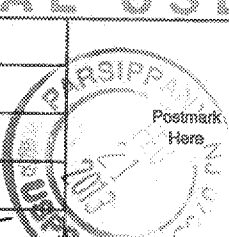
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City, State	Lyndhurst, New Jersey 07071

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Return Receipt Fee (Endorsement Required)	2.55
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.97



Postmark Here

Sent	Helen Tomson
Street or P.O. Box	208 Highland Cross
City	Rutherford, New Jersey 07070
State	
Zip	

Instructions

7. Certified List of Property Owners Within 200 Feet of the Project Area

This submission is administrative and not required under CERCLA. However, a certified list of property owners provided by the Township of Lyndhurst is attached.



River Road Schoolhouse
Established 1804

**OFFICE
OF THE
TAX ASSESSOR**

**Department of
Public Affairs**

February 8, 2013

Terri Gerrish, P.E.
Vice President
CH2M Hill
119 Cherry Hill Road, Suite 300
Parsippany, New Jersey 07054

Re: 200ft. Certified List of Owners
Passaic River, Lyndhurst, NJ

Dear Ms. Gerrish,

Attached here-to is the certified and current ownership list for properties located within 200 feet of the above captioned property.

If you have any questions please call the office at 201-804-2466.

Respectfully Submitted,


Cheryl Wloch-Rapetti

OWNER & ADDRESS REPORT

LYNDHURST

CERTIFIED LIST OF OWNERS

02/08/13 Page 1

N
N

BLOCK	LOT	QUAL- IFIER	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
2	8		15C	TOWNSHIP OF LYNDHURST VALLEY BROOK AVE. LYNDHURST, N.J. 07071	RIVERSIDE AVE	
3	32.01		2	SANCHEZ, ORLANDO & MARIA F 174 RIVERSIDE AVE LYNDHURST, NJ 07071	174 RIVERSIDE AVE	
3	32.02		2	PICCININNI, SAVERIO 170 RIVERSIDE AVE LYNDHURST, N J 07071	170 RIVERSIDE AVE	
48	1		15F	PASSAIC RIVER COALITION 246 MADISONVILLE RD BASKING RIDGE, NJ 07920	229 RIVERSIDE AVE	
48	2		15C	TOWNSHIP OF LYNDHURST VALLEY BROOK AVE LYNDHURST, N.J. 07071	RIVERSIDE AVE	
48	3		15C	BERGEN CTY PARK COMM. COURT HOUSE RM10 HACKENSACK, N.J. 07601	RIVERSIDE AVE	
48	5		4A	CITY OF JERSEY CITY, J.C.DIV.OF WTR ROUTE 440 & CULVER AVENUE JERSEY CITY, N.J. 07305	PASSAIC RIVER	
48	6		15C	BERGEN COUNTY PARK COMM COURT HOUSE ROOM 10 HACKENSACK N J 07601	RIVERSIDE AVE	
52	1		2	REILLY, KAREN 200 RIVERSIDE AVE LYNDHURST, NJ 07071	200 RIVERSIDE AVE	
52	2		2	GARCIA, ALFREDO & ODELIN 202 RIVERSIDE AVE. LYNDHURST, NJ 07071	202 RIVERSIDE AVE	
52	21		2	FILHO, MILTON P&PEREIRA, ELAINA 234 RIVERSIDE AVE LYNDHURST, NJ 07071	234 RIVERSIDE AVE	
52	22.01		2	KRUSZEWSKI (ETAL), JANUSZ 228 RIVERSIDE AVE LYNDHURST, NJ 07071	228 RIVERSIDE AVE	
52	22.02		2	BRADING, ROBERT E. & THERESA 224 RIVERSIDE AVE LYNDHURST, N.J. 07071	224 RIVERSIDE AVE	
52	23		2	IMBENINATO, PAUL A 216 RIVERSIDE AVE LYNDHURST, N J 07071	216 RIVERSIDE AVE	
52	24		2	TOMSON HELEN 28 HIGHLAND CROSS RUTHERFORD, N.J. 07070	208 RIVERSIDE AVE	

8. Public Notice Mailed to the Clerk of Township of Lyndhurst and Property Owners Within 200 Feet of the Project Area

This public notification requirement is administrative and not required under CERCLA. However, copies of the public notices distributed to the Clerk of the Township of Lyndhurst and property owners within 200 feet of the project area are included in Appendix F.

9. Requirements for Sites Within the Pinelands Preservation Area

This Removal Action will not be conducted within the Pinelands Preservation Area or Protection Area; therefore, this item is not applicable.

10. Notifications for Installations in the Ocean

This project does not involve installation of a submarine cable or sand mining in the ocean; therefore, this item is not applicable.

11. Waterfront Development Compliance Statement

One copy of the compliance statement is attached. (Five copies included in NJDEP's submittal package)

Environmental Assessment and Compliance with the Coastal Zone Management Rules

Project Summary

This Waterfront Development Permit Equivalency Application is being submitted to the NJDEP Division of Land Use Regulation (DLUR) as per the Coastal Program Permit Rules (NJAC 7:7) and Coastal Zone Management Rules (NJAC 7:7E) for sediment removal and in-water capping within the Lower Passaic River in the vicinity of RM 10.9.

A sediment removal project will be conducted under the United States Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and pursuant to the Administrative Settlement Agreement and Order on Consent for Removal Action, Docket No. 02-2012-2015, by the Lower Passaic River Study Area Cooperating Parties Group (LPRSA CPG) (hereinafter referred to as the RM 10.9 AOC). The RM 10.9 AOC became effective on June 18, 2012. In accordance with the Action Memorandum/Enforcement dated May 21, 2012, which is part of the RM 10.9 AOC, the CPG will perform all actions necessary to remove, treat, and/or properly dispose of approximately 20,000 cubic yards (cy) of sediment from the designated portion (i.e., the Removal Area) of the RM 10.9 Sediment Deposit Area.

The River Marker (RM) 10.9 Sediment Deposit Area, an area within the Lower Passaic River Study Area (LPRSA), extends approximately 2,380 feet within the Lower Passaic River (LPR), from RM 10.65 to RM 11.1. The RM 10.9 Removal Area is an approximately 5.6-acre area located on the eastern side of the LPRSA within the RM 10.9 Sediment Deposit Area. The Removal Area is approximately 0.6 acres greater than that specified in the AOC due to the inclusion of a narrow area that extends approximately 700 feet to the northeast. This area was included after a further review of the delineation sampling conducted by the CPG at the direction of USEPA (RM 10.9 Quality Assurance Project Plan [QAPP] Addendum A, May 2012). As a result of the sampling, the CPG proposed including the additional 0.6 acres into the RM 10.9 Removal Area in its August 1, 2012, letter to USEPA.

The Removal Area is situated along an inside bend of the LPR upstream of the DeJessa Park Avenue Bridge and includes the mudflat and point bar in the eastern half of the river channel. It is bounded to the west by the navigation channel of the Passaic River and to the east by the Riverside County Park, which is owned and operated by Bergen County and the Township of Lyndhurst.

Because of elevated concentrations of polychlorinated dibenzo-p-dioxins/polychlorinated dibenzofurans (PCDDs/PCDFs), polychlorinated biphenyls (PCBs), polycyclic aromatic hydrocarbons (PAHs), mercury, and other contaminants, and the potential for receptors from the neighboring park to be exposed to them, the Action Memorandum/Enforcement (USEPA, 2012) requires the removal of the highest near-surface and shallow subsurface concentrations of the entire deposit, and defines the RM 10.9 Removal Area to include that area that is exposed at low tide. The eastern boundary of the Removal Area is approximately defined by the mean high water mark (elevation 2.4 feet NGVD29).

The removal action objectives for RM 10.9 include the following:

- Reduce the potential for exposure to receptors from sediments present in the RM 10.9 Removal Area
- Prevent migration of contamination from the RM 10.9 Removal Area
- Remove approximately 20,000 cy of surface sediment (top 2 feet) and stabilize it at an existing permitted facility

- Determine potential impacts of dredging contaminated sediment on surface waters and the means to minimize, or otherwise address, these impacts
- Evaluate effectiveness of sediment capping methods on reducing bioavailability and migration of contaminants, including amending caps with activated carbon to mitigate the potential for contaminants to migrate through the sand caps
- Begin implementation of the RM 10.9 Removal Action in May 2013 (note that in-water work is planned to begin on July 1, 2013)

The project involves the following scope elements:

- Mechanically dredge the contaminated surface sediments (to a depth of 2 feet below existing grade) from the RM 10.9 Removal Area
- Transport the dredged materials via barge to a stabilization facility
- Treat the contaminated sediments by stabilization at an existing permitted facility
- Collect and treat barge supernatant at an offsite facility prior to discharge
- Cap the newly exposed sediment surface
- Transport the stabilized sediments to an out-of-state disposal facility

The engineering design is being conducted in three phases: the *Basis of Design Report* (BODR at 30 percent; in August 2012), the *Pre-Final Design Report* (90 percent), and the *Draft Final Design Report* (100 percent; February 2013). Each design phase is submitted to the USEPA for its review and acceptance and to NJDEP for input. The design addresses the following project elements:

- Dredging and barge transportation, including monitoring water quality
- Stabilization of sediments
 - Pumping and temporarily storing excess water from barges (as required)
 - Off-loading dredged material from the barges
 - Preparing (screening, mixing) sediment for stabilization
 - Treating the sediment with Portland cement to stabilize the sediment
 - Temporarily storing the treated sediment at the stabilization facility
 - Loading the treated material onto trucks or rail cars for transport to the final, out-of-state disposal facility
 - Disposing of the process water
- Capping
 - Chemical containment modeling
 - Active layer treatability study
 - Cap placement plan and typical cap sections (active layer, sand layer, geotextile barrier, and armor stone)
 - Erosion control design
 - Cap material delivery and staging
 - Cap placement criteria
 - Water quality monitoring
- Overland Transportation and Final Disposal at the Designated Out-of-State Disposal Facility

The overall design includes various engineering design packages. In addition, the design will include the following supporting appendixes:

A	RM 10.9 Concentration Data and Figures for 2,3,7,8-TCDD, Mercury, and Total PCBs at Select Depth Intervals
B	Geotechnical Data (boring Logs, bulk density, sieve analysis curves)
C	Dredging and Material Transport Design Support Documents and Calculations
D	Dredging Design Engineered Plan Drawings
E	Technical Specifications
F	Construction Environmental Monitoring QAPP Addendum
G	Project Health and Safety Plan
H	Community Health and Safety Plan
I	RM 10.9 Removal Action Sediment-Washing Bench-Scale Testing Report
J	Cap Design Field Work and Treatability QAPP Addendum
K	Construction Quality Control Plan
L	Project Schedule

Historical Information

The Passaic River has been utilized primarily for commerce and industry for almost two centuries. The United States Army Corps of Engineers (USACE) first dredged the Passaic River for commercial navigation in 1874. River mile (RM) 8.3 to 13.2 was constructed to 67 feet in 1915, and deepened to 10 feet in 1930. RM 8.3 to 15.4 was constructed to 10 feet in the following year, 1931, and maintained to 10 feet in 1932. In 1950, RM 14.3 to 15.4 was maintained to 10 feet, and in 1976, RM 9.0 to 10.2 was maintained to 10 feet. The navigation channel in the vicinity of RM 10.9 has not been dredged since then.

No information on specific spills is known at this section of the river. Historically, the LPR watershed was one of the major centers of the American Industrial Revolution. Many industrial facilities operated along the banks of the Passaic River. Direct and indirect discharges from these facilities have impacted the river. Furthermore, the Lower Passaic River has received direct and indirect municipal discharges since the middle of the nineteenth century. These waste streams (industrial and municipal) discharged many contaminants, including dioxins, petroleum hydrocarbons, polychlorinated biphenyls (PCB), pesticides, and metals to the LPR.

Compliance Statement

This compliance statement identifies the Coastal Zone Management rules (N.J.A.C. 7:7E) applicable to the River Mile (RM) 10.9 Removal Action (CERCLA Docket No. 02-2012-2015) and describes how the project will comply with these requirements. This compliance statement is voluntarily being provided to aid in NJDEP's review of the Lower Passaic River Cooperating Parties Group's (CPG's) Removal Action and its compliance with substantive State requirements in N.J.A.C. 7:7E.

The following sections describe compliance with each applicable chapter of the regulations:

Subchapter 3 Special Areas

7:7E-3.6 Submerged Vegetation Habitat

Water areas documented as previously supporting rooted and submerged vascular plants are considered to be submerged vegetation special areas. The project area is a mudflat with no submerged aquatic vegetation. In 2010, Windward Environmental LLC performed a habitat identification survey and fish community survey with tissue collection for the LPRSA Remedial Investigation (RI). Reports were issued in June and July 2011, respectively. Based on this information, it is anticipated that there would be little plant biomass in the RM 10.9 mudflat. Therefore, the Removal Action complies with this policy.

7:7E-3.12 Submerged Infrastructure Routes

Two known water utility lines, one sewerage commission pipeline, and a solid wire cable have been identified as crossing the removal area footprint, as indicated in the *Draft Final Design Report*. Field

investigations which include a third-party utility search and sub-bottom profiling are currently being undertaken in order to determine the depths of these and potentially other (currently unknown) utilities which may be located in the Removal Area. Once the details of utility crossings are further determined, the appropriate offsets for the dredging works will be established. These offsets will be included in the final design. In addition, the contractor will be responsible for conducting a pre-construction utility check.

There may be other submerged private or public utility features within the project area. Ground-intrusive activities will not start until the remediation contractor has notified the New Jersey One Call System and has complied with New Jersey's Underground Facility Protection Act. The contractor will be responsible for the safety, maintenance, protection, and final restoration to the same usefulness, durability, and safety as what existed preconstruction. This applies to not only submerged infrastructure but also all surface and subsurface utilities, facilities, streets, structures, waterways, and other properties at or near the site. Utilities identified will be placed on all plans detailing excavation and stabilization activities to assure the utilities' protection and compliance with the Act to the extent possible. As a result, the Removal Action complies with this policy.

7:7E-3.15 Intertidal and Subtidal Shallows

Intertidal and subtidal shallows are all permanently or temporarily submerged areas from the spring high water line to a depth of four feet below mean low water. The proposed actions will comply with the requirements of 3.15(d):

1. There is a need for the proposed facility that requires the dredging that cannot be met by other similar facilities in reasonable proximity taking into account scope and purpose of the proposed facility;
2. There is no feasible alternative location for the proposed facility that requires the dredging, which would eliminate or reduce the amount of disturbance to intertidal and subtidal shallows without increasing impacts on other Special Areas; and
3. The proposed dredging and the facility that requires the dredging have been designed to minimize impacts to intertidal and subtidal shallows.

The Removal Action goal is to remove contaminant mass, to reduce the potential for exposure to receptors from sediment present in the RM 10.9 Removal Area and prevent potentially significant migration of contamination. There is a demonstrated need for the project (reference CERCLA Docket No. 02-2012-2015), there is no feasible alternative location which would eliminate or reduce the amount of disturbance, and the proposed dredging has been designed to minimize impacts to the intertidal and subtidal shallows. Therefore, the proposed project is in compliance with this rule.

7:7E-3.25 Flood Hazard Areas

The proposed project removes contaminated surface sediment from the Lower Passaic River, approximately up to the mean high water line, and does not require permanent structures that may obstruct tidal and highwater flows. Following sediment removal, the areas will be backfilled with the construction of an engineered cap which will provide no net fill; this is in compliance with the Flood Hazard Area Control Rules (N.J.A.C. 7:13) which are intended to prevent actions that would exacerbate flooding in flood hazard areas. The volume of cap materials to be placed is calculated to be 15,900 cy, which is less than the approximately 20,000 cy of sediment to be removed. Therefore, the net impact of the RM 10.9 Removal Action will be to reduce the volume of materials in the LPR (i.e., no net fill), while maintaining the approximate existing sediment surface profile. Placement of the cap materials will also consolidate the underlying sediments, thereby further reducing the apparent volume of the capping materials. There are no anticipated temporary or permanent changes to drainage patterns.

Additionally, hydrodynamic field investigation data were collected and modeled. Depth-weighted velocity and water depths for a 1-year event [6,000 cubic feet per second (cfs)] and a 100-year flow of 22,000 cfs are provided in the *Draft Final Design Report*. The hydrodynamic information was used to determine the appropriate armor layer for an estimated 100-year flow event. Shear stresses associated with the 100-year flood conditions and for a synthetic 32,000 cfs event (close to a 500-year event) are also provided in the *Draft Final Design Report*. At USEPA's request, the impact of designing cap for a more intense storm than the 100-year return period flood was also evaluated. The 500-year return period flood was utilized for this additional evaluation.

The NJDEP Bureau of Land Use Regulation is reviewing information about placement of the proposed cap. Additionally, the NJDEP Bureau of Dam Safety and Flood Control has reviewed information about the proposed cap and has concurred that a portion of the channel will be removed and replaced with fill to a lower level, which creates additional net flow area for the day-to-day normal flow conditions within the channel and tops of bank, and below "Mean Low Water" level. Note that "Mean Low Water" is approximately elevation "0" NGVD and the top of banks are near elevation 10 feet NGVD along the Removal Area reach on the Lyndhurst side of the stream with 100 year flood levels just above elevation 10 feet NGVD. Since fill is not being added beyond the original channel bottom and there is no proposed re-grading or modification of the banks or in the overbank regions, the mapped floodplain region is not expected to change due to the project. The proposed slight change in the roughness coefficient (Manning Roughness Coefficient of 0.022 to 0.029 and .032) in the Removal Area is expected to have no measureable impact to the flood levels above 10 year flow events in this section of the river.

This project complies with Section 7:7E-3.25, as no permanent development will occur within the Flood Hazard Area creating an obstruction that could increase flood elevations.

7:7E-3.26 Riparian Zones

The New Jersey Flood Hazard Area Control Rules 7:13-4.1 state that a Riparian Zone exists along every regulated water. The Riparian Zone includes the land and vegetation within each regulated water, as well as the land and vegetation within a certain distance of each regulated water. As defined in N.J.A.C. 7:13-4.1, the Riparian Zone for the project area is 50 feet landward from the top of the stream bank. The proposed scope of the sediment removal project does not include permanent development within the Riparian Zone. For compliance with N.J.A.C. 7:7E-3.26(e) requires compliance with N.J.A.C. 7:7E-3.38 if threatened or endangered wildlife or plant species or habitats are present. No threatened or endangered species and habitats have been identified based on existing information, and a consultation with U.S. Fish and Wildlife Service will occur thru the NJDEP for confirmation.

There will be no onsite activities within the upland portion of the riparian zone. The Riverside County Park and the municipal recreation property will not be used for staging or transport of material. An offsite waterside construction support area will be used by the contractor, for barge/scow launching, support equipment, and materials staging and loading. All applicable local, state and federal regulations will be complied with at the contractor's support location.

After sediment removal, an engineered cap will be constructed to isolate the underlying contaminated sediment. The cap volume will be less than the volume of sediment removed, as the cap's top elevation will be no higher than the existing sediment surface, and settlement is expected to occur, allowing flow in and out of the Removal Area to be similar to preconstruction conditions. The removal of any vegetation from the river bottom or mudflat will be limited to the workspace and areas will be allowed to re-vegetate naturally following remediation.

The project complies with this regulation, as no temporary or permanent development will occur within the Riparian Zone.

7:7E-3.36 Historic and Archaeological Resources

The New Jersey and National Registers of Historic Places, and the NJDEP Landscape Project mapping, which contains the boundaries of Critical Environmental and Historic Sites of the New Jersey State Development and Redevelopment Plan, have been reviewed. Based on information provided on the NJDEP Historic Preservation Office website (http://www.nj.gov/dep/hpo/1identify/nrsr_lists.htm), several historic properties are located in the Township of Lyndhurst (ID # 4680, 3915, 552, 553, 554, and 2950). The National Register of Historic Places lists the River Road School, the Jacob W. Winkle House, and the Jeremiah J. Yeareance House. These properties are neither within the RM 10.9 Removal Area nor the adjacent upland of this portion of the river, and will not be impacted by the RM 10.9 Removal Action. NJDEP has obtained a consultation from the New Jersey Historic Preservation Office (NJHPO) which confirms that the project complies with state and federal policies regarding historic and archaeological resources. (Appendix B). Therefore, no impact to cultural resources is anticipated and the project complies with this rule.

7:7E-3.38 Endangered or Threatened Wildlife or Plant Species Habitats

A fish community survey and a habitat survey were completed for the Removal area (Draft Habitat Identification Survey Data Report for the Lower Passaic River Study Area, Fall 2010 Field Effort, Windward Environmental, LLC, and AECOM). The species identified within the project area were:

Banded killifish (<i>Fundulus diaphanous</i>)	American eel (<i>Anguilla rostrata</i>)
Tessellated darter (<i>Etheostoma olmstedii</i>)	Striped bass (<i>Morone saxatilis</i>)
Channel catfish (<i>Ictalurus punctatus</i>)	Gizzard Shad (<i>Dorosoma cepedianum</i>)
Common carp (<i>Cyprinus carpio</i>)	White perch (<i>Morone Americana</i>)
Spottail shiner (<i>Notropis hudsonius</i>)	Atlantic menhaden (<i>Brevoortia tyrannus</i>)
Blue crab (<i>Callinectes sapidus</i>)	White catfish (<i>Ameiurus catus</i>)
Canada goose (<i>Branta Canadensis</i>)	

The list of Federally Listed and Candidate Species Occurrences in New Jersey by County and Municipality (Species List) provided on the U.S. Fish and Wildlife Service's website was consulted and none of the species identified within the dredging area were listed. Additionally, the List of ESA Protected Species under NMFS NERO Jurisdiction was consulted and none of the species identified within the project area were listed. The above-mentioned ESA Species List will be consulted prior to commencement of the dredging activity and the current list will be retained in our files, in accordance with instructions provided on the Endangered Species Act Section 7 Program website (<http://www.nero.noaa.gov/Protected/section7/consultation/index.html>) and the March 9, 2009 instruction letter provided on the USFWS website (<http://www.fws.gov/northeast/njfieldoffice/endangered/consultation.html>). These agencies were notified. The NJDEP GeoWeb application was searched and identified no threatened or endangered species within the project area. A consultation request has been submitted to the New Jersey Department of Environmental Protection New Jersey Natural Heritage Program.

This project complies with all State and Federal policies and conditions regarding endangered or threatened wildlife and plant habitats. The consultation letters are located in Appendix B.

7:7E-3.39 Critical Wildlife Habitats

The NOAA Fisheries Office of Protected Resources Endangered Species Act list was consulted and none of the critical habitats listed are present in the project area. A habitat survey which was completed for the LPRSA (Draft Habitat Identification Survey Data Report for the Lower Passaic River Study Area, Fall 2010 Field Effort, Windward Environmental, LLC) did not identify any critical habitats in the RM 10.9 Removal Area. The NJDEP GeoWeb application was searched and identifies the project area as potentially containing Rank 1 Habitat Specific Requirements. The only species observed within the project area is the Canada Goose. The NJDEP Division of Fish and Wildlife (DFW) has issued a Canada Goose control information document that outlines various abatement strategies and depredation orders. Additionally, the NJDEP Division of Fish and Wildlife coordinated with the U.S. Fish and Wildlife Service and indicated that a fish window should be observed and work should commence after June 30, 2013. The project dredging is scheduled to begin on or after July 1, 2013, with a duration of approximately 4 months for all in-water work, therefore, the NJDEP DFW has indicated they concur with the determination that this project complies with this rule. The consultation letters are located in Appendix B.

7:7E-3.41 Special Hazard Areas

The USEPA's May 2012 Action Memorandum describing the removal action was agreed to by the NJDEP and therefore the project is in compliance with this rule.

7:7E-3.45 Hackensack Meadowlands District

The Hackensack Meadowlands District is a 19,485-acre area of water, coastal wetlands and associated uplands within the boundaries described in the Hackensack Meadowlands Reclamation and Development Act (N.J.S.A. 13:17-1 et seq.). The project area lies within the Hackensack Meadowlands District. Due to the nature of the project, no zoning certificate is required. The New Jersey Coastal Zone Management substantive requirements will be complied with, as required by 7:7E-3.45(e), therefore, the project is in compliance with this rule.

7:7E-3.47 Geodetic Control Reference Marks

The LPRSA RI/FS has established control that meets the stated regulation and those controls will be utilized for all surveys conducted under this Removal Action.

7:7E-3.50 Lands and Waters Subject to Public Trust Rights

Lands and waters subject to public trust rights are tidal waterways and their shores, including both lands now or formerly below the mean high water (MHW) line, and shores above the MHW line. Development that adversely affects these lands is discouraged. The Removal Action will provide beneficial effects to this portion of the Lower Passaic River, by reducing the potential for exposure to both human and ecological receptors from contaminated sediment present in the RM 10.9 Removal Area, and preventing potential migration of contamination from the RM 10.9 Removal Area. The access to the waterway is not being altered. Therefore, the project is in compliance with this rule. See also the section discussing Subchapter 8, Public Trust Rights (7:7E-8.11)

Subchapter 4 General Water Areas

General Water Areas, as defined at NJAC 7:7E-4.1(a) , are all water areas which are located below either the spring high water line or the normal water level of non-tidal water that are subject to this subchapter and to Special Area rules. The Lower Passaic River is a General Water Area as defined in NJAC 7:7E 4.1(b)5 as a "medium rivers, creeks, and streams". The applicable General Water Area rules are:

7:7E-4.7 New Dredging

New dredging is the removal of sediment that does not meet the definition of maintenance dredging at N.J.A.C. 7:7E-4.6. Maintenance dredging does not apply to this project because the purpose of this

dredging is not for maintaining a previously authorized water depth and width for safe navigation; it is strictly for removing contaminated sediment from the waterway. As required with any "new dredging" , environmental impacts will be minimized to the maximum extent feasible; the dredge area is reduced to the minimum extent practical; dredging is anticipated to have no adverse impacts on groundwater resources; and no dredging will occur within 10 feet of any wetlands.

There are no wetlands in the project area. Environmental impacts will be minimized by using an environmental clamshell bucket, installing silt curtains, implementing best management practices, and performing environmental monitoring with trigger levels as described in the *Draft Final Design Report*, to reduce the escape of contaminated material to the extent possible. The dredge area has been defined to achieve the remedial objectives of the Removal Action, and the target dredge depth is 2 feet below the existing sediment surface, plus or minus a vertical dredge tolerance of 4 inches. This excavation process will minimize the loss of contaminated material to the extent possible; minimize potential adverse environmental impacts to the surrounding area; and create no adverse effects on groundwater resources.

Excavated sediment will be placed in barges for transport to a New Jersey-permitted, commercial waterside sediment processing facility. The commercial processing bidders are Clean Earth and Jay Cashman, Inc. as described in Appendix E, Dredged Material Data Form. As required by their existing permits, the selected sediment processing facility will submit an application for an Acceptable Use Determination. At the sediment processing facility, the sediment will be stabilized or dewatered to render it suitable for transportation and disposal at an out-of-state, commercially permitted landfill, in accordance with applicable Federal, State, and local rules and regulations. Samples collected between 0-feet and 2-feet have been composited in accordance with a revised plan submitted to NJDEP on February 12, 2013. Three separate samples will be analyzed by the stabilization facilities to determine the optimal Portland cement mix ratio. Process water that may be produced (i.e., water that will be pumped from the barges upon their arrival at the sediment processing facility, supernatant water if dewatering is performed, and storm water that may be collected from stabilized sediment stockpiles) will be containerized at the processing facility and disposed of offsite at a properly permitted facility. Contractor bids are under evaluation. Water disposal facilities identified by the bidders are provided in Appendix E, Dredged Material Data Form. The identification of the selected water disposal facility will be provided to NJDEP once the bids are reviewed with USEPA. Water will not be discharged directly from the barges.

The stabilized or dewatered sediment will be disposed of at a commercially licensed out-of-state Subtitle C landfill which will be approved by the USEPA as required under the "Off-Site Rule" in the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR 300.440). The candidate facilities are identified in Appendix E, Dredged Material Data Form. The identification of the selected disposal facility will be provided to NJDEP once the bids are reviewed with USEPA.

Because the sediment excavation methods will limit suspension of contaminants and downstream turbidity, reduce the bioavailability of contaminants, and improve the health of the water body, the Removal Action is in compliance with this policy.

7:7E-4.10 Filling

By definition, "filling" is the deposition of material including, but not limited to, sand, soil, earth, and dredged material, into water areas for the purpose of raising water bottom elevations to create land areas. This policy is not applicable to the Removal Action because the purpose of placing material on the site is not for raising the original water bottom elevations or to create additional land, but to install an engineered cap that will isolate the underlying contaminated sediment. Although the technical definition is not applicable, a cap of average 22 inches-thickness (i.e., less than the thickness and volume of removed sediment) will be placed over the post-dredge sediment surface to reduce the bioavailability

of contaminants by physically and chemically isolating the remaining sediment contaminants from the environment. The cap design incorporates several aspects of the physical environment including water body dimensions, depth and slope of the sediment bed, flow patterns, and potential disturbances such as ice scour. The cap design also takes into account expected effects of bioturbation, consolidation, and erosion to ensure its integrity over time. The area to be capped extends only to 31+00 (see *Draft Final Design Report*). Upstream of this point, from Station 31+00 to 37+50, the sediment surface slopes at greater than 3:1 (see *Draft Final Design Report*), which is too steep to effectively cap. As a result, the soft sediment in this area will be removed rather than be dredged for 2 feet and capped. Placement of the cap will consolidate the underlying soft sediment. The amount and rate of consolidation is dependent on the sediment characteristics and thickness and the weight of the cap versus the sediment removed. The armored cap will be comprised of two stone types, depending on the water depth. Following cap placement, natural sedimentation will begin to fill in the spaces between the armor stone and eventually cover the stone as the area is generally depositional. The deposited sediment will create a habitat similar to the current sediment habitat which is a mudflat with no submerged aquatic vegetation.

In addition, the NJDEP Bureau of Dam Safety and Flood Control is reviewing information about the proposed cap and has preliminarily determined that the proposed cap will not impact the net flow.

The project is in compliance with this rule because the purpose of the fill is not for raising the river bottom elevation or for creating new land areas.

Subchapter 6 General Location Rules

The proposed development is not expected to negatively impact public health, safety and welfare, public or private property, and will be completed in the best possible manner to preserve and protect environmental resources.

7:7E-6.2 Basic Location Rule

The project is in an area that is environmentally degraded due to a variety of environmental impacts. The Removal Area is not considered an exceptional wildlife habitat (consultation is underway). The Removal Area is located with the LPRSA which part of the Diamond Alkali Superfund Site which is a known contaminated site. This project will improve the environment, and public health and safety related to the site because contaminated sediment will be removed and replaced with new, clean sediment. Therefore this project complies with this subchapter.

7:7E-6.3 Secondary Impacts

Secondary impacts are the effects of additional development likely to be constructed as a result of a particular proposal. Secondary impacts can also include traffic increases, increased recreational demand, and any other offsite impacts generated by onsite activities that affect the site and surrounding region. Remediation of this site is not likely to stimulate secondary development because of its location within the water body areas. Rather, the objective is to reduce exposure to human and ecological receptors and prevent migration of contamination.

Subchapter 8 Resource Rules

7:7E-8.4 Water Quality

The Lower Passaic River is categorized as an FW2-NT/SE2 water body. The designated uses of FW2 water bodies per NJAC 7:9B-1.12 are:

1. Maintenance, migration and propagation of the natural and established biota;
2. Primary contact recreation;
3. Industrial and agricultural water supply;

4. Public potable water supply after conventional filtration treatment (a series of processes including filtration, flocculation, coagulation, and sedimentation, resulting in substantial particulate removal but no consistent removal of chemical constituents) and disinfection; and
5. Any other reasonable uses.

The designated uses of SE2 water bodies per NJAC 7:9B-1.12 are:

1. Maintenance, migration and propagation of the natural and established biota;
2. Migration of diadromous fish;
3. Maintenance of wildlife;
4. Secondary contact recreation; and
5. Any other reasonable uses.

The removal action objectives include reducing the bioavailability of the contaminants which will help restore the designated uses.

Temporary impacts to the water quality of surface waters are possible as a result of dredging and capping, however, these impacts would be minimized by implementing best management practices as described in the *Draft Final Design Report*, and by monitoring (a) prior to beginning dredging and (b) at designated near-field and far-field locations during the Removal Action. Also, the removal action objective of the cap is to isolate the remaining sediment contaminants from the environment, including the migration of some contaminants into the surface water.

Calculations in *Draft Final Design Report* show that re-suspension should be within acceptable standards. However, monitoring will be performed during dredging activities to assure that dredging BMPs are effectively reducing re-suspension. The objectives of the dredge monitoring activities include the following:

1. Monitor the water quality for increased suspended solids during dredging operations
2. Quantify select contaminant levels in the water column during dredging operations.
3. Comply with applicable New Jersey Surface Water Quality criteria to the extent practicable.

The relevant New Jersey surface water quality criteria and effluent limitations have been considered in developing the Construction Environmental (Water Quality) Monitoring Plan that will be implemented during dredging and capping. Baseline monitoring will begin approximately one month prior to dredging. Due to the degraded nature of the LPR both upstream and downstream of RM 10.9, monitoring for constituents other than the most significant compounds of concern could yield confusing and inconclusive results. Therefore, the Removal Action will include monitoring of turbidity (NTU), total suspended solids (TSS), and select contaminant levels as described in the Construction Environmental (Water Quality) Monitoring Plan, at locations adjacent to the dredging operations. When no dredging or capping is being undertaken, monitoring may be suspended until the dredging or capping activity resumes.

The Removal Action will be performed in such a way as to meet the surface water quality standards and effluent limitations to the extent practicable at designated upstream and downstream monitoring points. Re-suspension within the dredging area of influence is expected and is described in the *Draft Final Design Report*. The site specific triggers and action levels specified in the Construction Environmental (Water Quality) Monitoring Plan for addressing sediment re-suspension conditions will be applied outside the designated impact zone. The Construction Environmental (Water Quality) Monitoring Plan will be submitted separately to USEPA and NJDEP.

The project is in compliance with this subchapter because any potential impacts to surface water will be minimized by the best management practices and sediment control techniques. The overall remediation project is designed to improve long-term water quality in the area.

7:7E-8.10 Air Quality

The methodology outlined in EPA's *Models for Air Emission Rates from Superfund Remedial Actions dated March 8, 1993; Section 4.2: Dredging* was used to estimate the emissions for each VOC/SVOC detected in sediment analytical sampling. The evaluation indicates that emissions of each VOC/SVOC emitted during dredging would be insignificant based on the concentration in the sediment and the calculated fraction of each contaminant emitted during the dredging process. Emissions of PCBs, dioxins and mercury were estimated utilizing published NJDEP default volatilization rates for processing dredge sediment in conjunction with estimated contaminant concentrations from sediment sampling. The evaluation also showed the estimated emissions of these contaminants to be insignificant.

No significant dust impacts are anticipated that would be attributable to dredging, capping and related activities, because the dredged material has a high moisture content, thereby reducing its potential to generate dust during handling. Continual visual monitoring of conditions, including dust, will further mitigate any dust risk.

Dust generation from the capping activities is not expected because the capping materials (e.g., extra-washed sand) will not contain appreciable amounts of fine particles, and the cap itself will be placed on the sediment beneath the water surface.

Air monitoring was conducted during collection of sediment cores in the RM 10.9 dredging area. No volatile vapors or hydrogen sulfide odors were detected or observed from the sediment cores during collection or subsequent processing.

No odors are expected from the capping activities because none of the capping materials (i.e., sand, stone, geotextile, and carbon-containing reactive materials such as Sedimite™, or AquaGate+PAC™) have odors associated with them. Cap placement will occur below the water surface after dredging has occurred. Air monitoring will be conducted to verify levels of airborne contaminants, or lack thereof, migrating from the site and will provide a warning to onsite workers. A Community Health and Safety Plan (CHSP) will be developed and an outline of the CHSP was provided in the *Pre-Final Design Report*. The CHSP will be provided to NJDEP following USEPA review. Air monitoring will be performed throughout the dredging period. Monitoring will be conducted upwind and downwind from the RM 10.9 area at select locations including the dredge barge, Riverside County Park and the municipal recreation area. Records of air-sampling results will be summarized in the project completion report.

The potential-to-emit calculations demonstrate that the project will meet the substantive requirements of this subchapter. In addition, the CPG will voluntarily monitor air quality and any potential issues will be managed accordingly.

7:7E-8.11 Public Trust Rights

Public trust rights to tidal waterways and their shores established by the Public Trust Doctrine include public access, which is the ability of the public to pass physically and visually to, from, and along lands and waters subject to public trust rights, as defined at N.J.A.C. 7:7E-3.50, as well as to use these lands and waters for recreational activities. Public trust rights also include the right to perpendicular and linear access. Public access ways and public access areas provide a means for the public to pass along and use lands and waters subject to public trust rights. The river is used for recreational activities and for commerce. Dredging activities will be upriver of most existing in-river commercial activities and are not anticipated to adversely affect these river operations. Several high school rowing clubs may row through the RM 10.9 Removal Area; as the competitive high school rowing season should be complete by June 15. During the Removal Action, other recreational rowers and fishing boaters may pass through

the area. Only half of the river will be used for dredging/capping operations and this area will be designated with highly visible warning buoys, lights, and floating and shoreline signage to direct recreational boaters/rowers. Barges and dredges navigating river working areas will coordinate with ongoing in-river operations and recreational water activities. Because this is a CERCLA action, formal public access directly to the Removal Area will not be provided. The nature of the project will be the removal of contaminated sediment to reduce exposure to human and ecological receptors.

7:7E-8.14 Traffic.

There will be no landside activities adjacent to the Removal Area. A construction support area will be located offsite at the contractor's construction support area, for barge/scow launching, and staging/loading of construction support equipment and materials. No temporary or permanent impacts to the current traffic patterns on local roads and highways are anticipated, and the project will comply with this policy.

7:7E-8.22 Solid and Hazardous Waste

The project will conform with all applicable state and federal regulations, standards, and guidelines for the handling and disposal of solid and hazardous wastes, including the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., the Solid Waste Management rules, N.J.A.C. 7:26, and the Hazardous Waste rules, N.J.A.C. 7:26G. The purpose of this project is to remove contaminated sediment within the RM 10.9 portion of the LPR. Contaminated sediment in New Jersey is not considered to be solid waste. Investigations have been conducted to indicate potential contamination levels and provide data for designing the Removal Action, including treatment and disposal. Samples of sediment have been collected for profiling and acceptance by licensed out-of-state Subtitle C facilities.

Therefore, the project is in compliance with this subchapter.

12. Evidence of Tidelands Ownership

Tidelands, also known as riparian lands, are those lands currently or formerly flowed by the mean high tide of a natural waterway. These lands are owned by the people of the State of New Jersey, unless a Tidelands Grant has been provided. As a result, applicants are to obtain permission from the State, in the form of a tidelands license or lease, to use these lands.

The NJDEP Bureau of Tidelands Management determines the rights of the State and of the riparian owners in the lands lying under the Bay of New York and elsewhere in New Jersey. A tidelands license-equivalent is being requested for this CERCLA sediment Removal Project.

The Tidelands license-equivalent is being coordinated through the NJDEP. Information to support the NJDEP's decision is being submitted to the Bureau of Tidelands Management concurrently with this permit-equivalent package. Attached is the Tidelands License Application Form.



State of New Jersey
Department of Environmental Protection
Bureau of Tidelands Management
P.O. Box 439
Trenton, NJ 08625-0439



TIDELANDS LICENSE APPLICATION FORM

PLEASE INCLUDE SIGNATURES OF ALL PERSONS LISTED ON THE CURRENT RECORDED DEED
ATTACH A SIGNATURE ADDENDUM PAGE IF MORE THAN TWO SIGNATURES ARE REQUIRED

Title Holder(s)

Name: Lower Passaic River Study Area Cooperating Parties Group, as licensee to the State of New Jersey

Mailing Address: c/o Willard Potter, de maximis inc, as
agent for Cooperating Parties Group; 186 Center

City: Clinton

State: NJ

Zip Code: 08809

Daytime Telephone Number: 908-735-9315

Email Address: otto@demaximis.com

Site Location

Address: River Mile (RM) 10.65 to RM 11.11 (extends 2,380 ft)

Municipality: Lyndhurst

County: Bergen

Block: Adjacent to: Block 2 Lot: 8

Adjacent to: Block 48 Lots: 1,2,3,5,6 Lot: (See Block)

Waterway: Passaic River

Purpose of Application

Please select all that apply:

☐ Fixed Structure License, Bulkhead Extension License and/or Yacht or Boat Club License

☐ Marina License

☒ Dredging License

☐ Utility or Utility-related License

☐ Bridge License

☐ Modification of Existing License File#

Agent Information (optional)

Agent Name:

Mailing Address:

City:

State:

Zip Code:

Telephone Number:

Email Address:

Signatures

I, the undersigned, hereby request a Tidelands License from the State of New Jersey. I understand that construction may not be performed until said License is delivered. I also understand that the State has the right to revoke any License as set forth in N.J.S.A 12:3-10. Furthermore, I agree to abide by the terms and conditions contained in the License Document.

☒ I agree to act as my own representative in all matters pertaining to my Tidelands License.

☐ I authorize the person named above to act as my agent in all matters pertaining to my Tidelands License. I understand that the Bureau of Tidelands Management will correspond only with this agent. Furthermore, I understand that I should direct future questions or concerns regarding my conveyance to my agent. This agreement will remain in effect unless I submit written notification to the Bureau of Tidelands Management.

Signature of Title Holder:

Date:

Print Name: Willard Potter, Project Coordinator

Signature of Title Holder:

Date:

Print Name:

TD_020

13. Stormwater Management

This Removal Action will not disturb upland acreage; therefore, this section is not applicable.

14. Waterfront Development Plans

A set of the Waterfront Development Plans is attached. (Five copies included in NJDEP's submittal package)

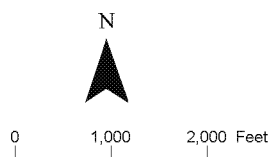
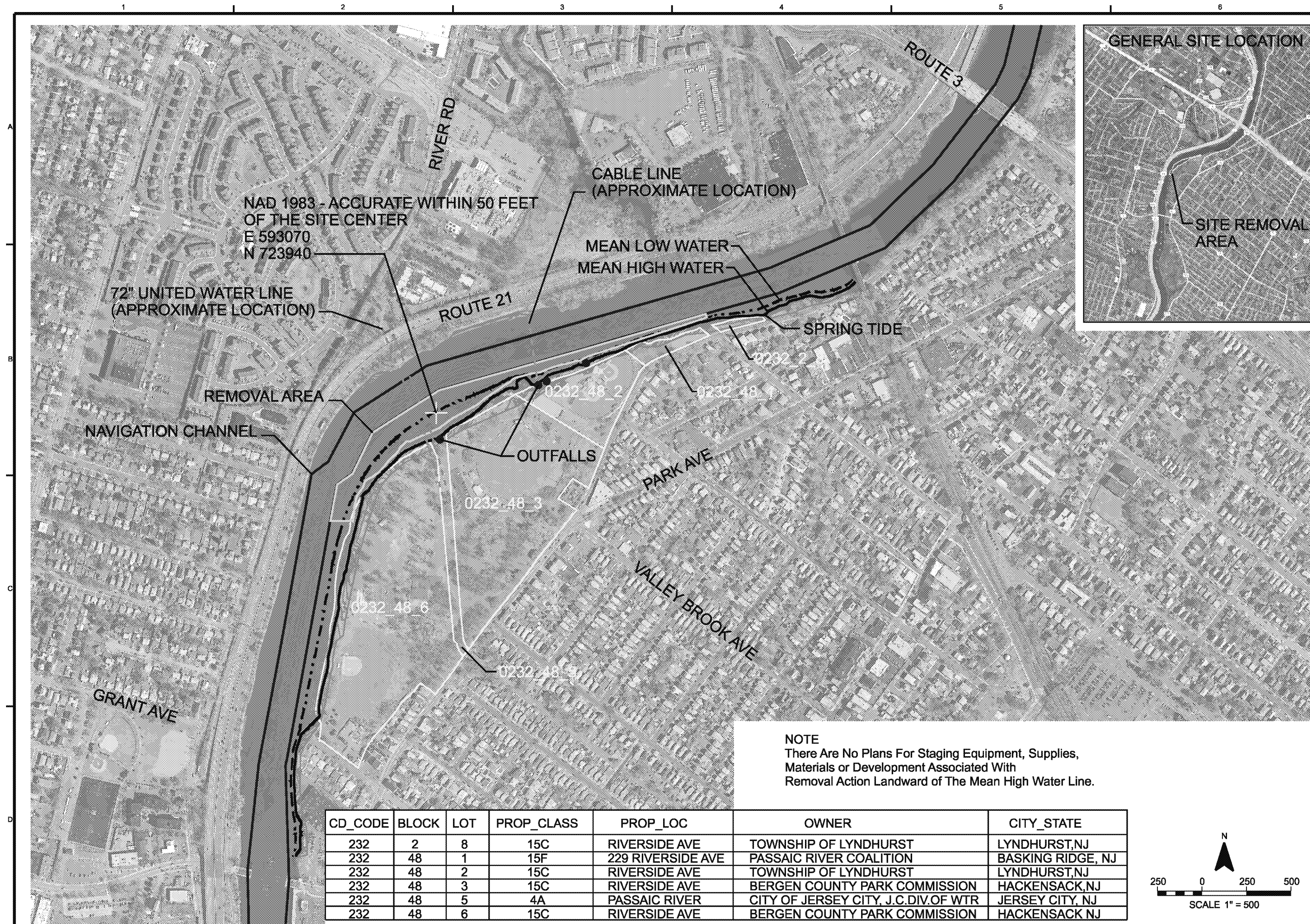
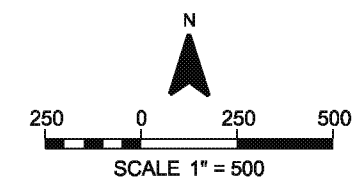


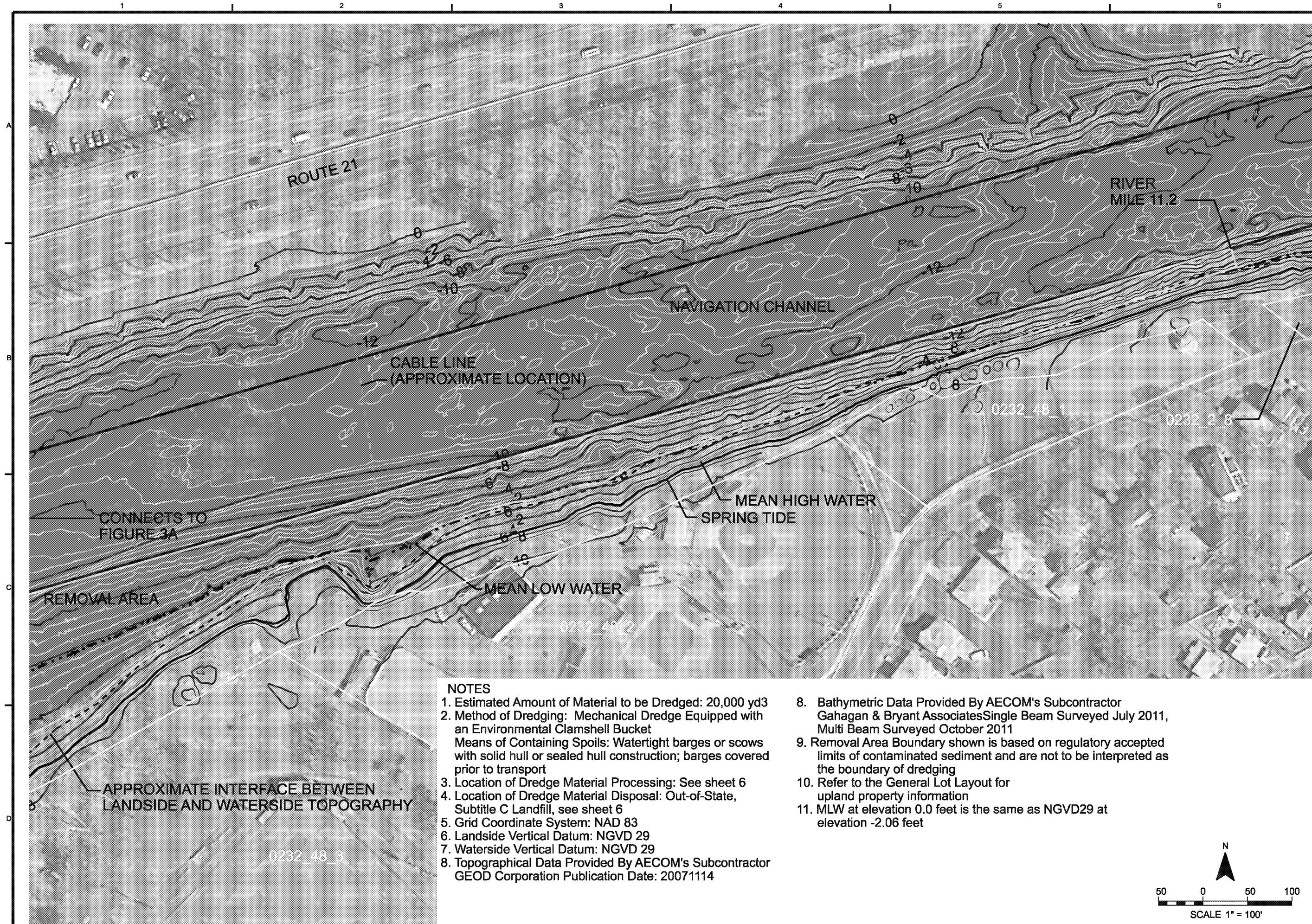
FIGURE 1
Topographic Map
Lower Passaic River Study Area, New Jersey



CD_CODE	BLOCK	LOT	PROP_CLASS	PROP_LOC	OWNER	CITY_STATE
232	2	8	15C	RIVERSIDE AVE	TOWNSHIP OF LYNDHURST	LYNDHURST,NJ
232	48	1	15F	229 RIVERSIDE AVE	PASSAIC RIVER COALITION	BASKING RIDGE, NJ
232	48	2	15C	RIVERSIDE AVE	TOWNSHIP OF LYNDHURST	LYNDHURST,NJ
232	48	3	15C	RIVERSIDE AVE	BERGEN COUNTY PARK COMMISSION	HACKENSACK,NJ
232	48	5	4A	PASSAIC RIVER	CITY OF JERSEY CITY, J.C.DIV.OF WTR	JERSEY CITY, NJ
232	48	6	15C	RIVERSIDE AVE	BERGEN COUNTY PARK COMMISSION	HACKENSACK NJ

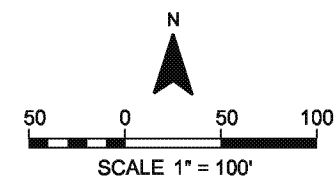
NOTE
There Are No Plans For Staging Equipment, Supplies,
Materials or Development Associated With
Removal Action Landward of The Mean High Water Line.

[illegible]



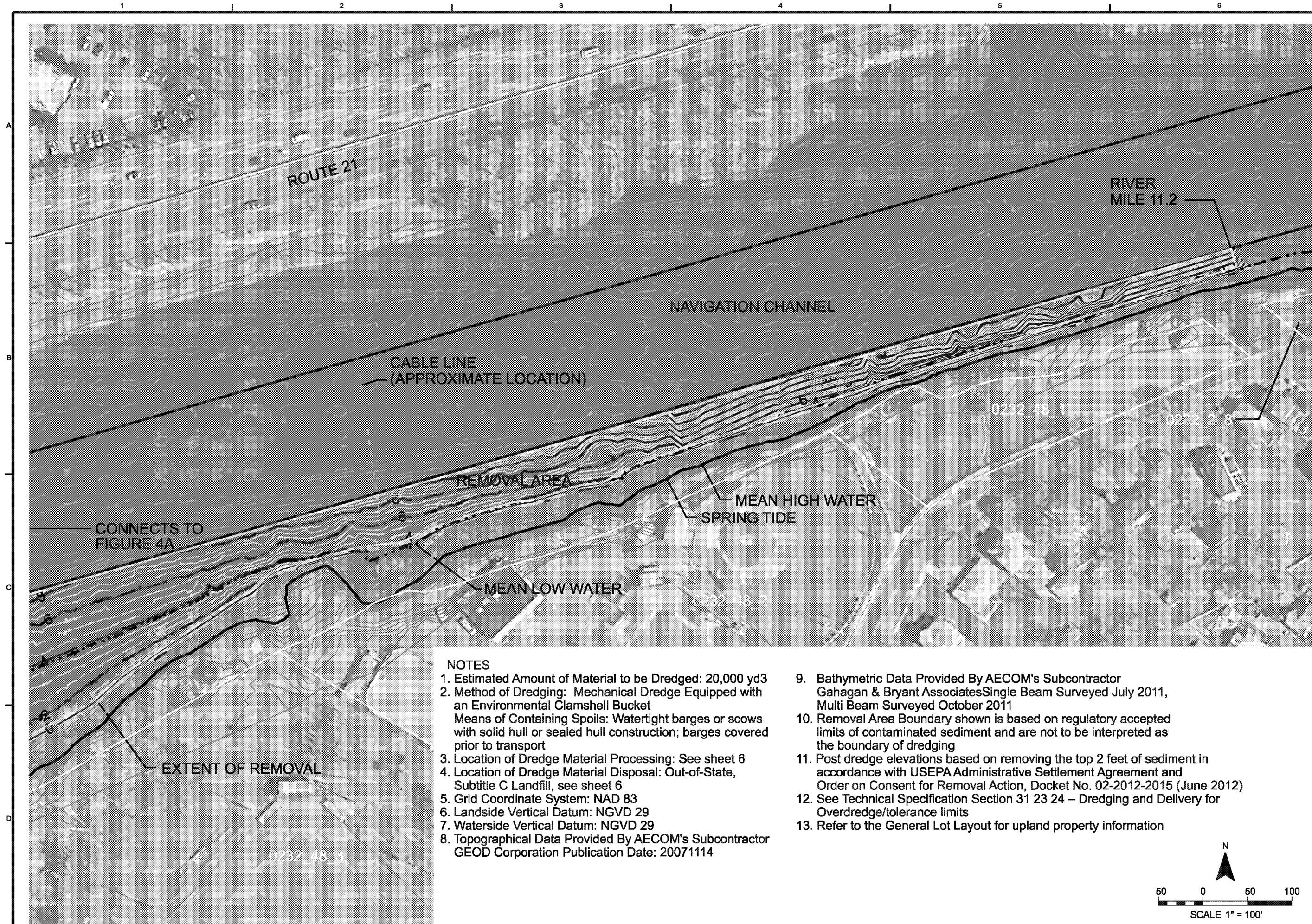
- NOTES**
1. Estimated Amount of Material to be Dredged: 20,000 yd³
 2. Method of Dredging: Mechanical Dredge Equipped with an Environmental Clamshell Bucket
Means of Containing Spoils: Watertight barges or scows with solid hull or sealed hull construction; barges covered prior to transport
 3. Location of Dredge Material Processing: See sheet 6
 4. Location of Dredge Material Disposal: Out-of-State, Subtitle C Landfill, see sheet 6
 5. Grid Coordinate System: NAD 83
 6. Landside Vertical Datum: NGVD 29
 7. Waterside Vertical Datum: NGVD 29
 8. Topographical Data Provided By AECOM's Subcontractor GEOD Corporation Publication Date: 20071114

8. Bathymetric Data Provided By AECOM's Subcontractor Gahagan & Bryant Associates Single Beam Surveyed July 2011, Multi Beam Surveyed October 2011
9. Removal Area Boundary shown is based on regulatory accepted limits of contaminated sediment and are not to be interpreted as the boundary of dredging
10. Refer to the General Lot Layout for upland property information
11. MLW at elevation 0.0 feet is the same as NGVD29 at elevation -2.06 feet



CH2MHILL®		THERESA GERRISH	
APPLICANT: LYATT, JR. ON BEHALF OF LOWER PASSAIC RIVER STUDY AREA COOPERATING PARTIES GROUP (LPRSA CPG) K&L GATES LLP ONE NEWARK CENTER, 10TH FLOOR NEWARK, NJ 07102		NO. DATE	
FIGURE 3B PRE-REMOVAL AREA DETAILS WATERFRONT DEVELOPMENT PERMIT (SHEET 2 of 2)		DR. D. LIEBERSBACH	
LOWER PASSAIC RIVER STUDY AREA RM 0.3 SEDIMENT DEPOSIT TIME CRITICAL REMOVAL ACTION LYNDHURST, NEW JERSEY (LOT AND BLOCK IN RIVER ACTION)		REVISION	
VERIFY SCALE BAR IS ONE INCH ON ORIGINAL DRAWING. 0 1"		BY APVD	
DATE 13 FEB 2013		CHK. K. GALLOWAY	
PRJ LOWER PASSAIC RIVER		APVD	
DWG		NO. 2453797000	
SHEET 3 of 6		NJ PROFESSIONAL ENGINEER	

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- NOTES**
1. Estimated Amount of Material to be Dredged: 20,000 yd³
 2. Method of Dredging: Mechanical Dredge Equipped with an Environmental Clamshell Bucket
Means of Containing Spoils: Watertight barges or scows with solid hull or sealed hull construction; barges covered prior to transport
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 8. Topographical Data Provided By AECOM's Subcontractor GEOD Corporation Publication Date: 20071114
 9. Bathymetric Data Provided By AECOM's Subcontractor Gahagan & Bryant Associates Single Beam Surveyed July 2011, Multi Beam Surveyed October 2011
 10. Removal Area Boundary shown is based on regulatory accepted limits of contaminated sediment and are not to be interpreted as the boundary of dredging
 11. Post dredge elevations based on removing the top 2 feet of sediment in accordance with USEPA Administrative Settlement Agreement and Order on Consent for Removal Action, Docket No. 02-2012-2015 (June 2012)
 12. See Technical Specification Section 31 23 24 – Dredging and Delivery for Overdredge/tolerance limits
 13. Refer to the General Lot Layout for upland property information

CH2MHILL®		APPLICANT: HYATT, JR. ON BEHALF OF LOWER PASSAIC RIVER STUDY AREA COORDINATING PARTIES GROUP (LPRSA CPG) K&L GATES LLP ONE NEWARK CENTER, 10TH FLOOR NEWARK, NJ 07102		THIS DOCUMENT AND THE IDEAS AND DESIGNS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF CH2M HILL AND IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF CH2M HILL.	
LOWER PASSAIC RIVER STUDY AREA RM10.9 SEDIMENT DEPOSIT TIME CRITICAL REMOVAL ACTION LYNDHURST, NEW JERSEY (LOT AND BLOCK IN RIVER ACTION)		FIGURE 4B POST-REMOVAL AREA DETAILS WATERFRONT DEVELOPMENT PERMIT (SHEET 2 of 2)		REUSE OF DOCUMENTS	
VERIFY SCALE BAR IS ONE INCH ON ORIGINAL DRAWING. 0 1"		DATE 13 FEB 2013 PRJ LOWER PASSAIC RIVER DWG SHEET 5 of 6		THERESA GERRISH	
				NO. DATE DSGN DR D LIEBERSBACH K GALLOWAY	
				BY APVD	
				APVD	
				JIM BRINKMAN	
				NO. 24353797000	
				NJ PROFESSIONAL ENGINEER	
				© CH2M HILL 2012. ALL RIGHTS RESERVED.	

15. Dredging Application-Equivalents

Item 1. Copy of the USGS quad map showing the location of the removal area

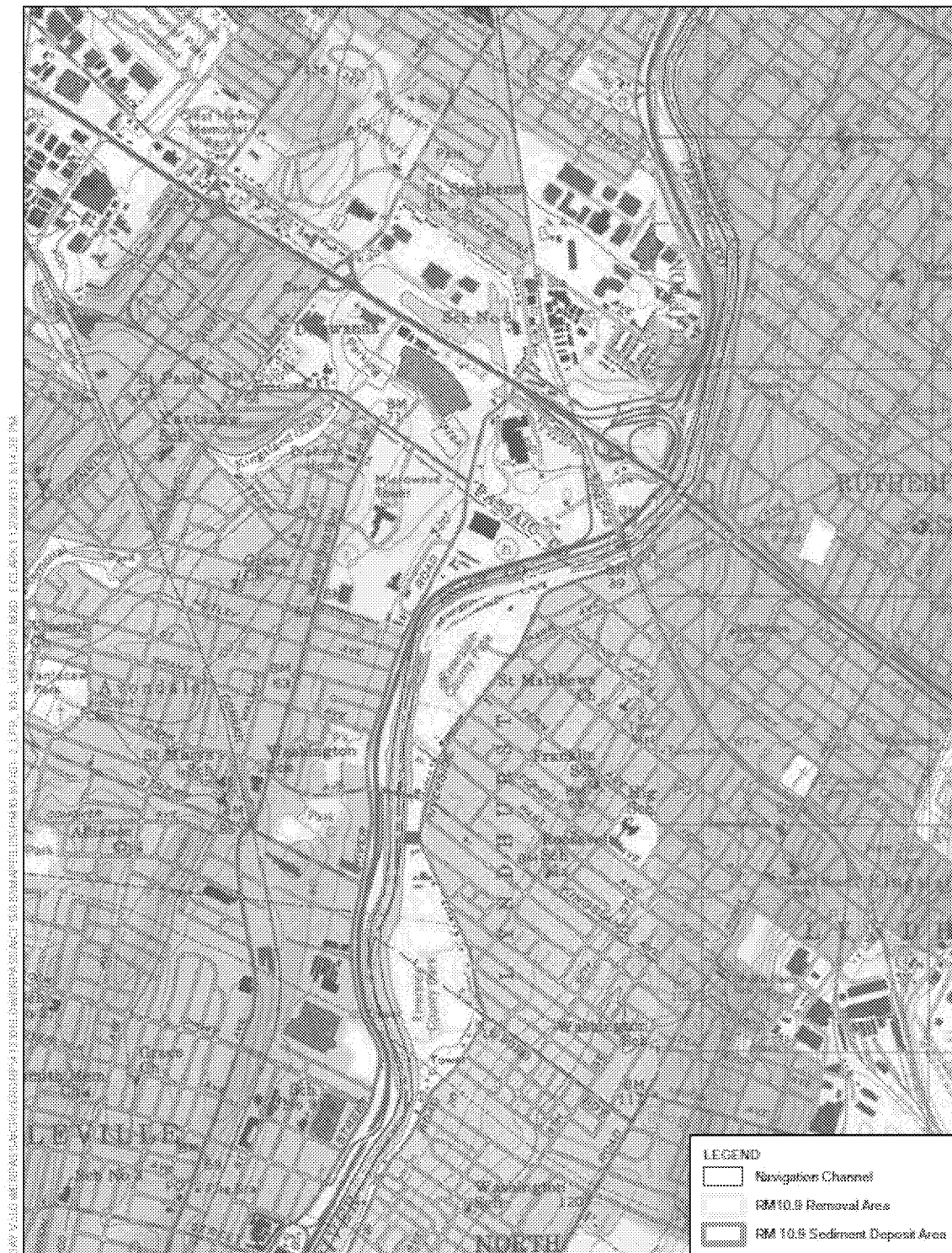


FIGURE 1
Topographic Map
Lower Passaic River Study Area, New Jersey

CH2MHILL

Item 2. Project Description

Project Summary

A sediment removal project will be conducted under the United States Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and pursuant to the Administrative Settlement Agreement and Order on Consent for Removal Action, Docket No. 02-2012-2015, by the Lower Passaic River Study Area Cooperating Parties Group (LPRSA CPG) (hereinafter referred to as the RM 10.9 AOC). The RM 10.9 AOC became effective on June 18, 2012. In accordance with the Action Memorandum/Enforcement dated May 21, 2012, which is part of the RM 10.9 Area of Concern (AOC), the CPG will perform all actions necessary to remove, treat, and/or properly dispose of approximately 20,000 cubic yards of sediment from the designated portion (i.e., the Removal Area) of the RM 10.9 Sediment Deposit Area.

The River Marker (RM) 10.9 Sediment Deposit Area, an area within the Lower Passaic River Study Area (LPRSA), extends approximately 2,380 feet within the Lower Passaic River (LPR), from RM 10.65 to RM 11.1. The RM 10.9 Removal Area is an approximately 5.6-acre area located on the eastern side of the LPRSA within the RM 10.9 Sediment Deposit Area. The Removal Area is approximately 0.6 acres greater than that specified in the AOC due to the inclusion of a narrow area that extends approximately 700 feet to the northeast. This area was included after a further review of the delineation sampling conducted by the CPG at the direction of USEPA (RM 10.9 Quality Assurance Project Plan [QAPP] Addendum A, May 2012). As a result of the sampling, the CPG proposed including the additional 0.6 acres into the RM 10.9 Removal Area in its August 1, 2012, letter to USEPA.

The Removal Area is situated along an inside bend of the LPR upstream of the DeJessa Park Avenue Bridge and includes the mudflat and point bar in the eastern half of the river channel. It is bounded to the west by the navigation channel of the Passaic River and to the east by the Riverside County Park, which is owned and operated by Bergen County and the Township of Lyndhurst.

Because of elevated concentrations of polychlorinated dibenzo-p-dioxins/polychlorinated dibenzofurans (PCDDs/PCDFs), polychlorinated biphenyls (PCBs), polycyclic aromatic hydrocarbons (PAHs), mercury, and other contaminants, and the potential for receptors from the neighboring park to be exposed to them, the Action Memorandum/Enforcement (USEPA, 2012) requires the removal of the highest near-surface and shallow subsurface concentrations of the entire deposit, and defines the RM 10.9 Removal Area to include that area that is exposed at low tide. The eastern boundary of the Removal Area is approximately defined by the mean high water mark (elevation 2.4 feet NGVD29).

The removal action objectives for RM 10.9 include the following:

- Reduce the potential for exposure to receptors from sediments present in the RM 10.9 Removal Area
- Prevent migration of contamination from the RM 10.9 Removal Area
- Remove approximately 20,000 cy of surface sediment (top 2 feet) and stabilize it at an existing permitted facility
- Determine potential impacts of dredging contaminated sediment on surface waters and the means to minimize, or otherwise address, these impacts
- Evaluate effectiveness of sediment capping methods on reducing bioavailability and migration of contaminants, including amending caps with activated carbon to mitigate the potential for contaminants to migrate through the sand caps

- Begin implementation of the RM 10.9 Removal Action in May 2013 (note that in-water work is planned to begin on July 1, 2013)

The project involves the following scope elements:

- Mechanically dredge the contaminated surface sediments (to a depth of 2 feet below existing grade) from the RM 10.9 Removal Area
- Transport the dredged materials via barge to a stabilization facility
- Treat the contaminated sediments by stabilization at an existing permitted facility
- Collect and treat barge supernatant at an offsite facility prior to discharge
- Cap the newly exposed sediment surface
- Transport the stabilized sediments to an out-of-state disposal facility

The engineering design is being conducted in three phases: the *Basis of Design Report* (BODR at 30 percent; in August 2012), the *Pre-Final Design Report* (90 percent), and the *Draft Final Design Report* (100 percent; February 2013). Each design phase is submitted to the USEPA for its review and acceptance and to NJDEP for input. The design addresses the following project elements:

- Dredging and barge transportation, including monitoring water quality
- Stabilization of sediments
 - Pumping and temporarily storing excess water from barges (as required)
 - Off-loading dredged material from the barges
 - Preparing (screening, mixing) sediment for stabilization
 - Treating the sediment with Portland cement to stabilize the sediment
 - Temporarily storing the treated sediment at the stabilization facility
 - Loading the treated material onto trucks or rail cars for transport to the final, out-of-state disposal facility
 - Disposing of the process water
- Capping
 - Chemical containment modeling
 - Active layer treatability study
 - Cap placement plan and typical cap sections (active layer, sand layer, geotextile barrier, and armor stone)
 - Erosion control design
 - Cap material delivery and staging
 - Cap placement criteria
 - Water quality monitoring
- Overland Transportation and Final Disposal at the Designated Out-of-State Disposal Facility

The overall design includes various engineering design packages. In addition, the design will include the following supporting appendixes:

- | | |
|---|--|
| A | RM 10.9 Concentration Data and Figures for 2,3,7,8-TCDD, Mercury, and Total PCBs at Select Depth Intervals |
| B | Geotechnical Data (boring Logs, bulk density, sieve analysis curves) |
| C | Dredging and Material Transport Design Support Documents and Calculations |
| D | Dredging Design Engineered Plan Drawings |
| E | Technical Specifications |
| F | Construction Environmental Monitoring QAPP Addendum |

G	Project Health and Safety Plan
H	Community Health and Safety Plan
I	RM 10.9 Removal Action Sediment-Washing Bench-Scale Testing Report
J	Cap Design Field Work and Treatability QAPP Addendum
K	Construction Quality Control Plan
L	Project Schedule

Historical Information

The Passaic River has been utilized primarily for commerce and industry for almost two centuries. The United States Army Corps of Engineers (USACE) first dredged the Passaic River for commercial navigation in 1874. River mile (RM) 8.3 to 13.2 was constructed to 67 feet in 1915, and deepened to 10 feet in 1930. RM 8.3 to 15.4 was constructed to 10 feet in the following year, 1931, and maintained to 10 feet in 1932. In 1950, RM 14.3 to 15.4 was maintained to 10 feet, and in 1976, RM 9.0 to 10.2 was maintained to 10 feet. The navigation channel in the vicinity of RM 10.9 has not been dredged since then.

No information on specific spills is known at this section of the river. Historically, the LPR watershed was one of the major centers of the American Industrial Revolution. Many industrial facilities operated along the banks of the Passaic River. Direct and indirect discharges from these facilities have impacted the river. Furthermore, the Lower Passaic River has received direct and indirect municipal discharges since the middle of the nineteenth century. These waste streams (industrial and municipal) discharged many contaminants, including dioxins, petroleum hydrocarbons, polychlorinated biphenyls (PCB), pesticides, and metals to the LPR.

Item 3. Bathymetry

Note that figures showing the results of the most recent bathymetry survey are provided in item 14, Waterfront Development Plans. A bathymetry survey will be completed prior to starting and following the Removal Action. The results of the pre- and post dredging bathymetry surveys will be provided to NJDEP.

Appendix A: Historic Preservation Office Response

NJDEP indicated on February 5, 2013, that a consultation had been obtained from the New Jersey Historic Preservation Office (NJHPO) which confirms that the project complies with state and federal policies regarding historic and archaeological resources. (Appendix B). Therefore, no impact to cultural resources is anticipated and the project complies with N.J.A.C. 7:7E-3.36: Historic and Archaeological Resources.

Appendix B: Natural Heritage Program and NOAA Correspondence



de maximis, inc.

186 Center Street
Suite 290
Clinton, NJ 08809
(908) 735-9315
(908) 735-2132 FAX

Willard F. Potter

Project Coordinator
Lower Passaic River Study Area
Cooperating Parties Group

February 18, 2013

State of New Jersey
Department of Environmental Protection
Natural Heritage Data Request Form
The New Jersey Natural Heritage Program
DEP - Office of Natural Lands Management
Mail Code 501-04
P.O. Box 420
501 E. State Street
Station Plaza #5, 4th Floor
Trenton, New Jersey 08625-0420

FILE COPY

**RE: River Mile 10.9 Removal Action
Lower Passaic River Study Area, Lyndhurst, New Jersey – Bergen County**

To Whom It May Concern:

The purpose of this letter is to request a search of the Natural Heritage Database for records of rare or endangered species and natural communities on or near the above-mentioned project site. The River Mile (RM) 10.9 Removal Area is an approximately 5.6-acre area located on the eastern side of the Lower Passaic River, upstream of the DeJessa Park Avenue Bridge. It is bounded to the west by the navigation channel of the Lower Passaic River and to the east by the Riverside County Park complex (Block 48, Lot 6), which is owned and operated by Bergen County and the Township of Lyndhurst (see attached figure).

The sediment removal will be conducted by the Lower Passaic River Study Area Cooperating Parties Group (LPRSA CPG) under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (CERCLA Docket No. 02-2012-2015). The New Jersey Department of Environmental Protection (NJDEP) was consulted, and agrees with the selected removal action for the site. The following activities will be completed as part of the RM 10.9 removal:

1. Surface sediment will be removed to a depth of two feet using an environmental clamshell bucket mounted on a barge, and employing best management practices;

2. The dredged sediments will be collected in barges that will transport the materials to an off-site, pre-designated, commercially licensed sediment processing facility for subsequent upland disposal; and
3. Barge-mounted equipment will be used to place a cap to the original sediment elevation, to physically and chemically isolate the remaining sediment from the environment.

The in-water dredging is planned to be completed in July and August with capping concluding in October, 2013.

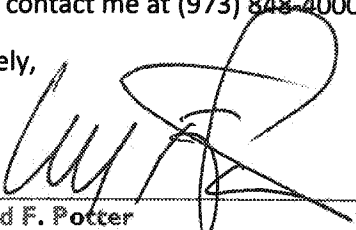
A fish community survey was completed for this removal action. The species identified within the project area were:

Banded killifish (<i>Fundulus diaphanous</i>)	American eel (<i>Anguilla rostrata</i>)
Tessellated darter (<i>Etheostoma olmstedi</i>)	Striped bass (<i>Morone saxatilis</i>)
Channel catfish (<i>Ictalurus punctatus</i>)	Gizzard Shad (<i>Dorosoma cepedianum</i>)
Common carp (<i>Cyprinus carpio</i>)	White perch (<i>Morone Americana</i>)
Spottail shiner (<i>Notropis hudsonius</i>)	Atlantic menhaden (<i>Brevoortia tyrannus</i>)
Blue crab (<i>Callinectes sapidus</i>)	White catfish (<i>Ameiurus catus</i>)

The list of Federally Listed and Candidate Species Occurrences in New Jersey by County and Municipality (Species List) provided on the U.S. Fish and Wildlife Service's website was consulted and none of the species identified above are included on the list. The completed Natural Heritage Data Request Form is attached to this letter, along with a USGS Quad map depicting the project location to support this database search.

Please contact me at (973) 848-4000 if you have further questions.

Sincerely,


Willard F. Potter

On Behalf of LPRSA CPG

Enclosures:

T&E Application

USGS Quad map

» Page 2



State of New Jersey
Department of Environmental Protection
Natural Heritage Data Request Form
The New Jersey Natural Heritage Program
DEP-Office of Natural Lands Management
Mail Code 501-04
P.O. Box 420
501 E. State Street
Station Plaza #5, 4th Floor
Trenton, New Jersey 08625-0420
(609) 984-1339
Fax No.: (609) 984-1427



PLEASE PRINT AND SUBMIT COMPLETED FORM WITH ATTACHMENTS TO THE ADDRESS ABOVE

(Fields shown in bold font must be completed in order for data request to be processed.)

1. **Name:** William H. Hyatt, Jr. **Agency/Company:** On behalf of LPRSA CPG K&L Gates LLP
Address: One Newark Center, 10th Floor **City:** Newark
State: NJ **Zip:** 07102 **Daytime Phone:** (973) 848-4000 **Ext.:**
Cell Phone: **Email:**
2. **Project Name:** River Mile 10.9 Removal Action, Lower Passaic River Study Area, Lyndhurst, NJ - Bergen County
Municipality(ies): Lyndhurst **County(ies):** Bergen
Block(s): 48 **Lot(s):** 6
N.A.D. 1983 State Plane Coordinates (feet) 6 digits only: **E (x):** 593070 **N (y):** 723940
3. **Project Description:** See attached letter.
4. **USGS Quad:** ☒ A copy of a USGS quad map(s) that clearly indicates the site boundary is included with this form. Specify name of USGS quad(s): Orange
(USGS quad maps are required, unless prior arrangements have been made to submit site boundaries in an alternate format. Responses will be delayed if site locations are not delineated in a suitable format.)
5. **Flood Hazard Control Act Use:** Is this request submitted as part of a Flood Hazard Area Control Act rule (N.J.A.C. 7:13) application? Yes ☐ No ☒
6. **Acknowledgement & Signature:** Any material supplied by the Office of Natural Lands Management will not be published without crediting the Natural Heritage Database as the source of the material. It is understood that there will be a charge of \$70.00 per hour for the services requested. An invoice will be sent with the request response and payment should be made by check or money order payable to "Office of Natural Lands Management." This project is managed under the Federal CERCLA program; therefore, no fee is required.

Signed _____ **Date** _____

Time Frame for Response:

Data requests are processed in the order in which they are received; the response time depends on the backlog at the time your request is logged in. Due to the number of attachments, we cannot fax results. If you would like to have your response package returned by Federal Express, please include an account number with your request.

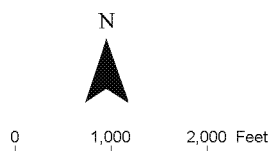
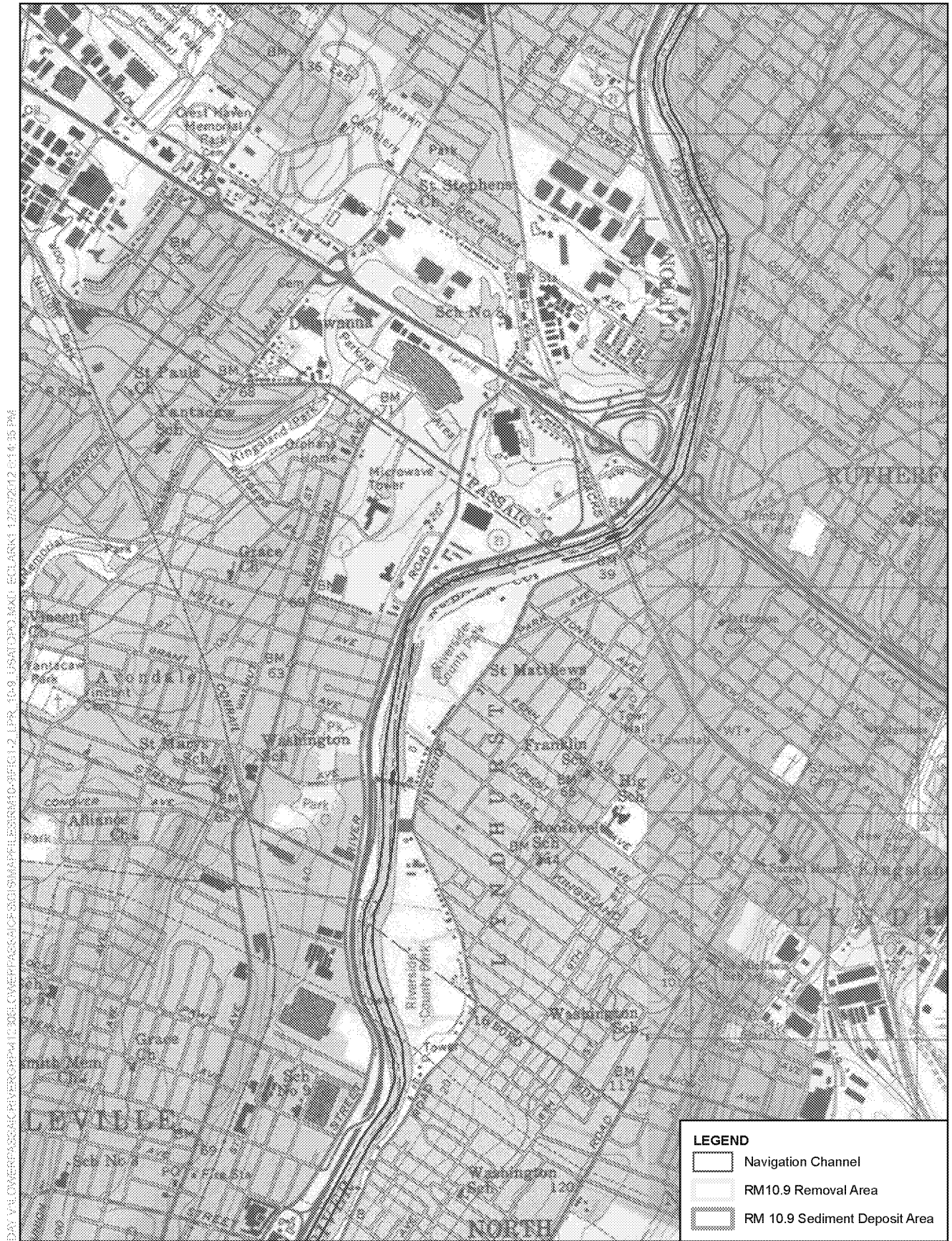
FOR OFFICE USE ONLY

DATE RECEIVED _____

Item Code: REG ☐ ST ☐ RTC ☐ NC ☐ REGEO ☐ STEO ☐ RTCEO ☐ NCEO ☐

Hrs: _____

Project Code: _____ Inv. #: _____



Notes:
1. Topo Source: 2011 National Geographic Society, i-cubed

FIGURE 1
Topographic Map
Lower Passaic River Study Area, New Jersey



de maximis, inc.

186 Center Street
Suite 290
Clinton, NJ 08809
(908) 735-9315
(908) 735-2132 FAX

Willard F. Potter

Project Coordinator
Lower Passaic River Study Area
Cooperating Parties Group

February 18, 2013

FILE COPY

Mary Colligan
Protected Resources
National Marine Fisheries Service
Northeast Regional Office
55 Great Republic Drive
Gloucester, MA 01930
Mary.A.Colligan@noaa.gov

**RE: River Mile 10.9 Removal Action
Lower Passaic River Study Area, Lyndhurst, New Jersey – Bergen County**

Dear Ms. Colligan:

The purpose of this letter is to document compliance with the Fish and Wildlife Coordination Act 16 U.S.C. 661 and the Magnuson-Stevens Fishery Conservation and Management Act Public Law 94-265. The River Mile (RM) 10.9 Removal Area is an approximately 5.6-acre area located on the eastern side of the Lower Passaic River, upstream of the DeJessa Park Avenue Bridge. It is bounded to the west by the navigation channel of the Lower Passaic River and to the east by the Riverside County Park complex (Block 48, Lot 6), which is owned and operated by Bergen County and the Township of Lyndhurst (see attached figure).

The sediment removal will be conducted by the Lower Passaic River Study Area Cooperating Parties Group (LPRSA CPG) under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (CERCLA Docket No. 02-2012-2015). The New Jersey Department of Environmental Protection (NJDEP) was consulted, and agrees with the selected removal action for the site. The following activities will be completed as part of the RM 10.9 removal:

1. Surface sediment will be removed to a depth of two feet using an environmental clamshell bucket mounted on a barge, and employing best management practices;

2. The dredged sediments will be collected in barges that will transport the materials to an off-site, pre-designated, commercially licensed sediment processing facility for subsequent upland disposal; and
3. Barge-mounted equipment will be used to place a cap to the original sediment elevation, to physically and chemically isolate the remaining sediment from the environment.

The in-water dredging is planned to be completed in July and August with capping concluding in October, 2013.

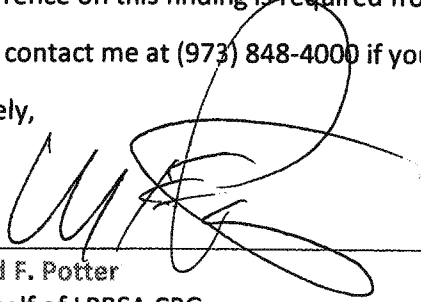
A fish community survey and a habitat survey were completed for the removal area. The species identified within the project area were:

Banded killifish (<i>Fundulus diaphanous</i>)	American eel (<i>Anguilla rostrata</i>)
Tessellated darter (<i>Etheostoma olmstedi</i>)	Striped bass (<i>Morone saxatilis</i>)
Channel catfish (<i>Ictalurus punctatus</i>)	Gizzard Shad (<i>Dorosoma cepedianum</i>)
Common carp (<i>Cyprinus carpio</i>)	White perch (<i>Morone Americana</i>)
Spottail shiner (<i>Notropis hudsonius</i>)	Atlantic menhaden (<i>Brevoortia tyrannus</i>)
Blue crab (<i>Callinectes sapidus</i>)	White catfish (<i>Ameiurus catus</i>)
Canada goose (<i>Branta Canadensis</i>)	

The list of Federally Listed and Candidate Species Occurrences in New Jersey by County and Municipality (Species List) provided on the U.S. Fish and Wildlife Service's website was consulted and none of the species identified above are included on the list. Additionally, the List of ESA Protected Species under NMFS NERO Jurisdiction was consulted and none of the species identified above were listed. In accordance with the consultation instructions provided on the Endangered Species Act Section 7 Program website (<http://www.nero.noaa.gov/Protected/section7/consultation/index.html>), no further action is required for this project. The above-mentioned ESA Species List will be consulted prior to commencement of the dredging activity and the current list will be retained in our files, as no concurrence on this finding is required from your office.

Please contact me at (973) 848-4000 if you have further questions.

Sincerely,



Willard F. Potter
On Behalf of LPRSA CPG

» Page 2

Appendix C: Potential to Emit Calculations

From: Stan Kaczmarek [mailto:StanK@demaximis.com]
Sent: Monday, January 14, 2013 12:12 PM
To: Negib HarFouche
Cc: McCready, Roger/DAY; Willard Potter; Robert Law; Bill Kuehne; Jay Nickerson; Robert.Kettig@dep.state.nj.us
Subject: RE: LPR RM 10.9 Removal Action – Proposed Dredging Operations - Potential to Emit Calculations

Negib,

Attached is the revised Potential to Emit (PTE) spreadsheet. It provides the requested basis for concluding that none of the compounds associated with the RM 10.9 Removal Action will exceed PTE triggers.

Regarding H2S data, H2S was monitored for every core extracted from the RM 10.9 Study Area using a MultiRAE probe. A description of the MultiRAE probe is attached. The specific procedure included the following steps:

1. Bring unopened cores into sample preparation tent.
2. As each core is opened, run the MultiRAE along its length to determine if H2S from that core could rise to a worker safety action level.
3. Split core into segments and place each segment in a stainless steel bowl.
4. Cover bowl with foil and let air within the bowl stabilize for a few minutes.
5. Obtain H2S measurement from within the bowl using the MultiRAE.
6. Record each measurement.

As noted in our previous email, 99% of the measurements were 0 ppm, and the highest for RM 10.9 sediments was 3 ppm.

I hope that this information is responsive to your request. As always, please feel free to reach out if you have any questions.

Stan Kaczmarek, PE
de maximis, inc.
186 Center Street, Suite 290
Clinton, NJ 08809
Mobile Phone: (973) 978-9621

Potential Emission Calculations LPR RM 10.9 Removal Action - Dredging Operations

Assumptions

Bulk Density:	111.1	lb/ft ³	Estimated bulk density of river sediment
	3000.0	lb/yd ³	
Volume of Sediment to be removed:	18,000	cubic yards	Section 4.2, River Mile 10.9 Removal Action <i>Pre-Final Design Report</i> , Lower Passaic River Study Area
Mass of Sediment to be removed:	54,000,000	lbs	Calculated
	24,494,400	kg	
	27,000	tons	
Max Sediment Excavation Rate:	80.0	yd ³ /hr	Section 4.2, River Mile 10.9 Removal Action <i>Pre-Final Design Report</i> , Lower Passaic River Study Area
	240,000	lbs/hr	
	120.0	tons/hr	
	108,864	kg/hr	

Chemical ¹	Max Concentration (mg/kg) ²	Avg Concentration (mg/kg) ²	Volatilization (%) ⁴	Total Mass Based on Ave Conc. (lbs) ³	Potential Emission Rate Max Conc.(lb/hr) ⁵	Total Potential Emissions Ave Conc. (lbs) ⁶	NJDEP Reporting Threshold ⁷	Units	Exceed Threshold (Yes/No) ⁸
1,2-Dichlorobenzene	7.40E-03	1.13E-03	0.00670%	6.11E-02	1.19E-07	4.10E-06	NA	lb/yr	No
1,4-Dichlorobenzene	3.50E-03	6.79E-04	0.00784%	3.67E-02	6.59E-08	2.87E-06	600	lb/yr	No
2-Butanone	6.40E-02	7.96E-03	0.02086%	4.30E-01	3.20E-06	8.97E-05	2000	lb/yr	No
Benzene	1.10E-03	1.04E-04	0.06861%	5.63E-03	1.81E-07	3.86E-06	400	lb/yr	No
Bromomethane	5.90E-02	4.26E-03	0.34791%	2.30E-01	4.93E-05	8.00E-04	2000	lb/yr	No
Chlorobenzene	5.20E-02	2.25E-03	0.02399%	1.21E-01	2.99E-06	2.91E-05	2000	lb/yr	No
Chloroform	1.30E-04	4.81E-06	0.06448%	2.60E-04	2.01E-08	1.68E-07	180	lb/yr	No
Chloromethane	7.20E-02	2.75E-03	0.23972%	1.49E-01	4.14E-05	3.57E-04	2000	lb/yr	No

Cyclohexane	5.30E-03	3.80E-04	0.02298%	2.05E-02	2.92E-07	4.72E-06	NA	lb/yr	No
Ethylbenzene	8.00E-03	3.43E-04	0.02036%	1.85E-02	3.91E-07	3.77E-06	2000	lb/yr	No
Isopropylbenzene	4.30E-03	5.78E-04	0.08691%	3.12E-02	8.97E-07	2.71E-05	2000	lb/yr	No
Methyl tert-Butyl Ether (MTBE)	6.90E-04	6.26E-05	0.12321%	3.38E-03	2.04E-07	4.17E-06	2000	lb/yr	No
Toluene	6.50E-02	5.40E-03	0.03527%	2.92E-01	5.50E-06	1.03E-04	2000	lb/yr	No
Trichloroethene	5.70E-03	2.27E-04	0.06323%	1.23E-02	8.65E-07	7.77E-06	2000	lb/yr	No
m, p-Xylene	1.20E-01	5.76E-03	0.01612%	3.11E-01	4.64E-06	5.02E-05	2000	lb/yr	No
o-Xylene	1.20E-01	5.65E-03	0.02624%	3.05E-01	7.56E-06	8.01E-05	2000	lb/yr	No
1,1'-Biphenyl	1.65E-01	1.72E-03	0.00646%	9.28E-02	2.56E-06	6.00E-06	2000	lb/yr	No
4-Methylphenol	8.21E-02	2.39E-03	0.00312%	1.29E-01	6.15E-07	4.04E-06	200	lb/yr	No
Benzo(a)anthracene	1.03E+01	2.53E+00	0.00003%	1.36E+02	8.11E-07	4.47E-05	2	lb/yr	No
Benzo(a)pyrene	7.79E+00	3.63E+00	0.00001%	1.96E+02	1.81E-07	1.90E-05	2	lb/yr	No
Benzo(b)fluoranthene	1.13E+01	4.04E+00	0.00002%	2.18E+02	6.73E-07	5.41E-05	2	lb/yr	No
Benzo(k)fluoranthene	4.97E+00	1.70E+00	0.00000%	9.19E+01	8.84E-09	6.81E-07	NA	lb/yr	No
bis-(2-Ethylhexyl)phthalate	2.94E+02	4.95E+01	0.00000%	2.67E+03	9.82E-07	3.72E-05	1000	lb/yr	No
Butylbenzylphthalate	4.88E-01	2.21E-02	0.00004%	1.20E+00	4.63E-08	4.73E-07	NA	lb/yr	No
Caprolactam	2.64E+00	2.75E-02	0.00010%	1.49E+00	6.23E-07	1.46E-06	2000	lb/yr	No
Dibenzo(a,h)anthracene	1.36E+00	4.27E-01	0.00000%	2.31E+01	1.21E-09	8.58E-08	2	lb/yr	No
Dibenzofuran	1.46E+00	2.53E-02	0.00103%	1.37E+00	3.62E-06	1.41E-05	1000	lb/yr	No
Di-n-butylphthalate	4.64E-01	2.39E-02	0.00000%	1.29E+00	1.62E-09	1.88E-08	2000	lb/yr	No
Hexachlorobenzene	1.27E-01	1.32E-03	0.00023%	7.15E-02	6.93E-08	1.62E-07	2	lb/yr	No
Indeno(1,2,3-cd)pyrene	5.05E+00	1.65E+00	0.00000%	8.89E+01	1.17E-08	8.55E-07	2	lb/yr	No
Isophorone	5.61E-02	5.84E-04	0.00109%	3.16E-02	1.47E-07	3.44E-07	2000	lb/yr	No
Naphthalene	1.95E+00	3.70E-01	0.00640%	2.00E+01	3.00E-05	1.28E-03	2000	lb/yr	No
N-Nitrosodiphenylamine	2.03E-01	7.54E-03	0.14140%	4.07E-01	6.89E-05	5.76E-04	NA	lb/yr	No
Total VOCs/SVOCs	343.0	64.0	--	3.46E+03	2.27E-04	--	0.05	lb/h r	No
2,3,7,8-TCDD	0.057200	0.009295	0.005%	0.50	6.87E-07	2.51E-05	0.00012	lb/yr	No
Total PCB	35.0	11.0	0.05%	594.1	4.20E-03	2.97E-01	1.8	lb/yr	No
Mercury	24.0	8.9	0.02%	480.7	1.15E-03	9.61E-02	2	lbs/y r	No

METALS⁹									
Aluminum	22400	13821	0.000030	746474.3	1.77E-04	2.46E-02	NA		
Antimony	6.22	1.752	0.000030	94.6	4.93E-08	3.12E-06	1000	lb/yr	No
Arsenic	56.9	20.219	0.000030	1092.0	4.51E-07	3.60E-05	1	lb/yr	No
Barium	617	287.16	0.000030	15509.6	4.89E-06	5.12E-04	NA	--	--
Beryllium	1.02	0.6383	0.000030	34.5	8.08E-09	1.14E-06	1.6	lb/yr	No
Cadmium	37.3	15.815	0.000030	854.2	2.95E-07	2.82E-05	2	lb/yr	No
Chromium	2110	649.68	0.000030	35089.3	1.67E-05	1.16E-03	1000	lb/yr	No
Chromium, hexavalent ¹⁰	7.06	7.06	0.000030	381.3	5.59E-08	1.26E-05	0.4	lb/yr	No
Cobalt	25.8	10.661	0.000030	575.8	2.04E-07	1.90E-05	20	lb/yr	No
Copper	904	418.07	0.000030	22580.0	7.16E-06	7.45E-04	NA	--	--
Iron	40700	25378	0.000030	1370669.6	3.22E-04	4.52E-02	NA	--	--
Lead	1160	556.3	0.000030	30045.8	9.19E-06	9.92E-04	2	lb/yr	No
Magnesium	6790	4403.1	0.000030	237812.1	5.38E-05	7.85E-03	NA	--	--
Manganese	1410	515.67	0.000030	27851.4	1.12E-05	9.19E-04	160	lb/yr	No
Mercury	0.024	0.0089	0.000030	0.5	1.90E-10	1.59E-08	2	lb/yr	No
Nickel	154	65.252	0.000030	3524.3	1.22E-06	1.16E-04	200	lb/yr	No
Pyrene	27.7	5.1851	0.000030	280.0	2.19E-07	9.24E-06	NA	--	--
Selenium	4.2	1.6594	0.000030	89.6	3.33E-08	2.96E-06	20	lb/yr	No
Silver	18.4	8.3336	0.000030	450.1	1.46E-07	1.49E-05	NA	--	--
Thallium	0.664	0.3086	0.000030	16.7	5.26E-09	5.50E-07	NA	--	--
Titanium	534	384.02	0.000030	20741.0	4.23E-06	6.84E-04	NA	--	--
Vanadium	148	61.123	0.000030	3301.3	1.17E-06	1.09E-04	NA	--	--
Zinc	2900	1218.1	0.000030	65789.8	2.30E-05	2.17E-03	NA	--	--
TOXIC SUBSTANCES⁸									
Benzene	1.10E-03	1.04E-04	0.069%	0.01	1.81E-07	--	0.01	lb/hr	No
Carbon tetrachloride	0	0	--	0	0	--	0.01	lb/hr	No
Chloroform	0.000130	0.000005	0.064%	0.00	2.01E-08	--	0.01	lb/hr	No
Dioxane	0	0	--	0	0	--	0.01	lb/hr	No
Ethylenimine ¹¹	--	--	--	--	--	--	0.01	lb/hr	--
Ethylene dibromide (1,2-Dibromoethane)	0	0	--	0	0	--	0.01	lb/hr	No
Ethylene dichloride (1,2-Dichloroethane)	0	0	--	0	0	--	0.01	lb/hr	No

1,1,2,2-Tetrachloroethane	0	0	--	0	0	--	0.01	lb/hr	No
Tetrachloroethylene	0	0	--	0	0	--	0.01	lb/hr	No
1,1,2-Trichloroethane	0	0	--	0	0	--	0.01	lb/hr	No
Trichloroethylene	0.005700	0.000227	0.063%	0.01	8.65E-07	--	0.01	lb/hr	No
Methylene chloride	0.017000	0.000630	0.141%	0.034026396	5.77E-06	--	0.01	lb/hr	No
1,1,1-Trichloroethane	0	0	--	0	0	--	0.01	lb/hr	No
PESTICIDES									
DDT ¹²	16.85461	0.09345	0.005%	5.05	2.02E-04	2.52E-04	NA	--	--
DDE ¹²	1.2	0.1367	0.005%	7.38	1.44E-05	3.69E-04	2	lb/yr	No

¹ Compounds that were detected in sediment sampling from the dredging area.

² Maximum and average concentrations based on sediment analytical data from the dredging area.

³ The total mass is the concentration multiplied by the estimated mass of sediment to be removed.

⁴ Volatilization rates for VOCs and SVOCs were based on EPA's *Models for Air Emission Rates from Superfund Remedial Actions* dated March 8, 1993; Section 4.2: *Dredging*.

Volatilization rates for dioxins (2,3,7,8-TCDD), Mercury and Total PCBs were based on published NJDEP values for processing dredge material.

⁵ The emission rate is the maximum concentration multiplied by the calculated volatilization specific to each compound.

⁶ The total emissions is the total mass multiplied by the calculated volatilization specific to each compound.

⁷ N.J.A.C. 7:27 Chapter 8 Appendix A

⁸ No detected compounds exceed the NJDEP Reporting Threshold.

⁹ Volatilization Rate is based on particulate emission factor in kilograms of particulate (PM) /ton of soil. See 'Particulate PTE Calcs' tab for particulate emission factor calculation.

¹⁰ Only one result for chromium, hexavalent.

¹¹ Ethylenimine was not analyzed for as part of the sediment sampling from the dredging area.

¹² Includes the isomers 2,4 and 4,4

Percentage of Pollutant Emitted (X) LPR RM 10.9 Removal Action - Dredging Operations

Assumptions

Assumptions									
Sediment Depth (l)	2.5	feet	Default value for depth of dredged sediment (l) assumed to be 2.5 feet for equations 4-12 and 4-13						
Time (t)	1	day	Sediment exposure time (t) assumed to be 1 day for equations 4-11 & 4-12						
Chemical	H ^a atm-m ³ /g-mol	H ^b Dimensionless	Dw ^a cm ² /sec	log Kow ^a Dimensionless	Kow Dimensionless	De ^c cm ² /sec	Kd ^d 1/sec	Q ^e	X ^f
1,2-Dichlorobenzene	1.94E-03	7.94E-02	7.90E-06	3.60E+00	3.98E+03	2.9752E-09	1.00272E-13	3.5147E-09	0.007%
1,4-Dichlorobenzene	1.60E-03	6.55E-02	7.90E-06	3.38E+00	2.40E+03	4.9361E-09	1.37204E-13	4.8093E-09	0.008%
2-Butanone	2.16E-04	8.84E-03	9.80E-06	1.74E+00	5.50E+01	2.5886E-07	9.71355E-13	3.4048E-08	0.021%
Benzene	5.50E-03	2.25E-01	9.80E-06	2.12E+00	1.32E+02	1.0998E-07	1.05085E-11	3.6835E-07	0.069%
Bromomethane	--	0.590294	1.21E-05	1.18E+00	1.50E+01	1.0784E-06	2.70237E-10	9.4724E-06	0.348%
Chlorobenzene	3.93E-03	1.61E-01	8.70E-06	2.84E+00	6.92E+02	1.8813E-08	1.28444E-12	4.5022E-08	0.024%
Chloroform	3.39E-03	1.39E-01	1.00E-05	1.97E+00	9.33E+01	1.5763E-07	9.28328E-12	3.254E-07	0.064%
Chloromethane	8.14E-03	3.33E-01	6.50E-06	9.50E-01	8.91E+00	9.0733E-07	1.28306E-10	4.4974E-06	0.240%
Cyclohexane	1.37E-02	5.61E-01	9.10E-06	3.44E+00	2.75E+03	4.9527E-09	1.17875E-12	4.1318E-08	0.023%
Ethylbenzene	6.44E-03	2.64E-01	7.80E-06	3.15E+00	1.41E+03	8.2722E-09	9.25481E-13	3.244E-08	0.020%
Isopropylbenzene	6.59E-03	2.70E-01	1.00E-05	2.00E+00	1.00E+02	1.473E-07	1.68634E-11	5.911E-07	0.087%
Methyl tert-Butyl Ether (MTBE)	5.92E-04	2.42E-02	8.03E-06	2.60E-01	1.82E+00	3.2956E-06	3.38936E-11	1.188E-06	0.123%
Toluene	6.68E-03	2.73E-01	8.60E-06	2.73E+00	5.37E+02	2.3939E-08	2.77808E-12	9.7378E-08	0.035%
Trichloroethene	9.10E-03	3.72E-01	9.10E-06	2.38E+00	2.40E+02	5.6471E-08	8.92744E-12	3.1293E-07	0.063%
m, p-Xylene	5.20E-03	2.13E-01	7.80E-06	3.26E+00	1.82E+03	6.4232E-09	5.80245E-13	2.0339E-08	0.016%
o-Xylene	5.27E-03	2.16E-01	1.00E-05	2.95E+00	8.91E+02	1.6796E-08	1.53769E-12	5.3899E-08	0.026%
1,1'-Biphenyl	--	0.12471	6.71E-06	3.76E+00	5.71E+03	1.7607E-09	9.32106E-14	3.2672E-09	0.006%
4-Methylphenol	--	3.99E-04	1.00E-05	2.06E+00	1.15E+02	1.2856E-07	2.17759E-14	7.6329E-10	0.003%
Benzo(a)anthracene	--	1.39E-04	9.00E-06	5.52E+00	3.32E+05	4.0675E-11	2.40013E-18	8.413E-14	0.000%

Benzo(a)pyrene	--	4.70E-05	9.00E-06	6.11E+00	1.29E+06	1.0503E-11	2.09566E-19	7.3457E-15	0.000%
Benzo(b)fluoranthene	--	4.99E-04	5.56E-06	6.11E+00	1.29E+06	6.4888E-12	1.37453E-18	4.818E-14	0.000%
Benzo(k)fluoranthene	--	4.45E-07	5.56E-06	6.11E+00	1.29E+06	6.4888E-12	1.22579E-21	4.2966E-17	0.000%
bis-(2-Ethylhexyl)phthalate	--	4.57E-04	3.66E-06	8.39E+00	2.46E+08	2.2273E-14	4.32094E-21	1.5146E-16	0.000%
Butylbenzylphthalate	--	7.94E-05	4.83E-06	4.84E+00	6.99E+04	1.0364E-10	3.49331E-18	1.2245E-13	0.000%
Caprolactam	--	2.19E-08	8.45E-06	5.60E-01	3.63E+00	2.3197E-06	2.15656E-17	7.5592E-13	0.000%
Dibenzo(a,h)anthracene	--	4.66E-07	5.18E-06	6.70E+00	4.98E+06	1.5611E-12	3.08813E-22	1.0825E-17	0.000%
Dibenzofuran	--	5.28E-03	7.04E-06	4.00E+00	9.91E+03	1.0656E-09	2.3884E-15	8.3718E-11	0.001%
Di-n-butylphthalate	--	3.85E-08	7.86E-06	4.61E+00	4.07E+04	2.894E-10	4.72982E-21	1.6579E-16	0.000%
Hexachlorobenzene	--	2.22E-02	5.91E-06	5.86E+00	7.24E+05	1.2237E-11	1.15324E-16	4.0424E-12	0.000%
Indeno(1,2,3-cd)pyrene	--	2.85E-06	5.66E-06	6.70E+00	4.98E+06	1.7057E-12	2.06368E-21	7.2336E-17	0.000%
Isophorone	--	2.57E-04	6.76E-06	2.62E+00	4.15E+02	2.4335E-08	2.65488E-15	9.3059E-11	0.001%
Naphthalene	4.80E-04	1.96E-02	7.50E-06	3.01E+00	1.02E+03	1.0974E-08	9.15115E-14	3.2077E-09	0.006%
N-Nitrosodiphenylamine	--	2.08E-04	6.35E-06	3.16E+00	1.45E+03	6.5602E-09	5.79254E-16	2.0304E-11	0.001%
Methylene Chloride	3.19E-03	1.31E-01	1.17E-05	1.30E+00	2.00E+01	8.0556E-07	4.46427E-11	1.5648E-06	0.141%

Notes:

^a Values for H (Henry's Law Constant), Diffusivity in water (Dw) and the log of the octanol-water partition coefficient (log Kow) were obtained from *The EPA's Models for Air Emission Rates from Superfund Remedial Actions dated March 8, 1993* (EPA Dredging Guidance) Appendix A. If Appendix A did not have the information listed for a contaminant, other internet sources were consulted such as gsi-net.

^b The value listed in Appendix A for H was divided by R*T to get the dimensionless value of H to use in the dredging equations. Gas constant (R) is 8.205×10^{-5} atm-deg K-m3/g-mol, Temperature (T) is 298 deg K.

^c Equation 4-16 in the Section 4.2 of the EPA Dredging Guidance was used to calculate the value of the effective diffusivity of contaminant in sediment air pores (De).

^d Equation 4-13 was used to calculate the contaminant volatilization constant (Kd).

^e Equation 4-12 was used to verify that Equation 4-11 was valid. Q must be less than 0.25.

^f Equation 4-11 was used to calculate the percentage of pollutant emitted (X)

Potential Emission Calculations LPR RM 10.9 Removal Action - Dredging Operations

Assumptions

Bulk Density:	111.1	lb/ft ³	Estimated bulk density of river sediment
	3000.0	lb/yd ³	
Volume of Sediment to be removed:	18,000	cubic yards	Section 4.2, <i>River Mile 10.9 Removal Action Pre-Final Design Report, Lower Passaic River Study Area</i>
Mass of Sediment to be removed:	54,000,000	lbs	Calculated
	24,494,400	kg	
	27,000	tons	
Max Sediment Excavation Rate:	80.0	yd ³ /hr	Section 4.2, <i>River Mile 10.9 Removal Action Pre-Final Design Report, Lower Passaic River Study Area</i>
	240,000	lbs/hr	
	120.0	tons/hr	
	108,864	kg/hr	

Drop operation - Clam Shell Excavator into Dredge Barge

$E = k \cdot (0.0032) \cdot (u/5)^{1.333} / (m/2)^{1.4}$		Source:	AP-42: Chapter 13 2.4 Aggregate Handling And Storage Piles, Equation 1		
			PM	PM10	PM2.5
k	particle size diameter		0.74	0.35	0.053
u	mean wind speed MPH		10.2	10.2	10.2
m	material moisture content %		50	50	50
Emission Factor	lb/ton		6.60E-05	3.12E-05	4.73E-06
	Maximum/drop	Total/drops			
PM	0.00792 lb/hr	1.78 lbs/yr			
PM 10	0.00375 lb/hr	0.84 lbs/yr			
PM 2.5	0.00057 lb/hr	0.13 lbs/yr			

1. Will there be any engine(s) or power generating equipment to be used as part of the dredging operations? If so, please provide category *i.e., stationary or mobile/portable*, size (HP), model year and fuel type.
 - The dredging unit will consist of a **mobile hydraulic excavator** equipped with an environmental clamshell bucket. The excavator will be secured to a flat deck barge so that all sediment removal is performed from the water.
 - Specifications for a typical excavator used on the Hudson River (Komatsu 1250) are attached. The Komatsu 1250 has a **651 HP engine** but similar excavators (Liebherr 984) could have up to a **675 HP engine**. These **are examples**. The specific excavator model and age of equipment used at RM 10.9 will depend on what equipment the dredging contractor selects.
 - The mobile excavator may use **low sulfur** (500 ppm) or **ultra-low sulfur** (15 ppm) **diesel fuel**.
2. What's the maximum length of time {hours}, amount {tons} and likely surface area {ft²} of dredge sediment that would be exposed on "X" (number of) barge(s) at any one time per day? Per week? *The PTE calculations assumed 1-day or 24-hrs of sediment exposure time.*
 - **Maximum length of time sediment will be exposed per barge => 2 hours** during filling. After all the sediment is placed in the barge, the sediment is expected to be covered with water given that ~30% of the dredged material will be water. During staging and transport to stabilization facility, sediment will not be exposed
 - **Estimated daily dredge production rate => 462 in-situ cy/day**
 - **Total volume of wet material removed per day => 660 cy** assuming a bucket efficiency of 70% (i.e., 30% excess water)
 - **Tons wet sediment per barge => 231 wet tons** (220 cy x 0.7 x 1.5 wet tons per in-situ cy)
 - **Number of 250 cy barges utilized per day => 3**
 - **Surface area per barge => 1000 ft²**
 - 3 barges per day x 6 dredging days per week = 18 barges filled per week
 - 231 wet tons per barge => 693 wet tons dredged per day (or 4,158 wet tons per week)
 - 3 barge per day x 2 hours exposure per barge = 6 hours potential exposure to air per day from no more than a 1000 ft² surface area at any one time

3. What's the maximum dredge sediment concentration of H₂S?

Hydrogen sulfide data associated with RM 10.9 Study Area and Removal Area sediments (cores 11B-0301 to 12A-0481, RM 10.65 to 11.24) were collected in the field with a multi-probe gas meter equipped with a hydrogen sulfide gas sensor. A total of 987 readings were obtained by passing the end of the meter along the air space just above each sediment core segment immediately after the core was split open. **The majority of these samples (99.1%) were non-detect for H₂S.** In only nine (9) sample events was H₂S detected, with 6 samples at 1 ppm, 1 at 2 ppm and 2 at 3 ppm. **The results is an overall average H₂S concentration in the air immediately adjacent to exposed RM 10.9 sediments at 0.014 ppm.**

4. What's the maximum duration {hours} of dredging operations projected for removing 37,908 tons of dredge sediment?

- The correct value for material to be removed is 27,000 tons. This is based on a conversion of 1.5 wet tons/in-situ cy. A corrected PTE spreadsheet is attached.
- As stated earlier, it will take a maximum of 2 hours to fill each 250 cy barge.
- Assuming a need to remove 18,000 cy in-situ sediments, a dredge rate of 462 in-situ cy/day, and 6 hours/day of dredging operations, this translates to 234 hours of dredging operations (18,000 cy ÷ 462 cy/day X 6 hours dredge operations/ day).
- Please refer to the Estimated Dredge Production Rates Calculation provided in Appendix B of the RM 10.9 Pre-Final Design for details associated with the dredging operations.

5. Were there any other organic &/or heavy metal contaminants identified in the dredge sediments at or above detection limits, e.g. DDT, DDE, DDD, PAH, etc.?

All VOCs and SVOCs including PAHs that were detected are included in the PTE calculations. There are detections of TAL metals and of DDT, DDE and DDD. The TAL metals are very low for the RM 10.9 sediments and will be associated with particulate emissions. Particulate emissions were calculated in the PTE spreadsheet on tab "Particulate PTE Calcs". DDT, DDE and DDD were not included in the previous PTE calculations, however the average and maximum values of 2,4 DDT and 4,4 DDT were provided on the table comparing the Tierra Phase I project to RM 10.9 discussed in our meeting on November 29.

Appendix D: NJ Technical Manual Chapter III

Information Required for All Projects

A - Background Information

In order for the Land Use Regulation Program to determine what specific sampling and testing are required for a proposed dredging project and the management of the dredged material, background information must be submitted to the Department. The following information shall be submitted to the Land Use Regulation Program with the preapplication request:

1. Completed Dredged Material Data Form. *See Appendix E to WFD packet.*
2. A USGS quadrangle or county map identifying the dredging project area. *See Figure in WFD packet.*
3. The proposed dredging method, project depth and areal extent of project. *See Project Description in WFD packet.*
4. A hydrographic survey of the dredging site taken within the past 6 months. All hydrographic surveys shall be performed by an ACSM (American Congress of Surveying and Mapping) certified hydrographer, a licensed land surveyor with 5 years hydrographic experience, or a professional engineer. For detailed information on how to conduct these surveys, see U.S. Army Corps of Engineers (1994), Engineer Manual for Hydrographic Surveying. This USACE manual provides information on levels of accuracy, transect line spacing, acceptable surveying methods, and the class of survey applicable for a specific project. The hydrographic survey and plans of the dredging project submitted to the Department should also be consistent with the following criteria:
 - all hydrographic/survey plans submitted shall be of a scale no greater than 1 inch equals 100 feet;
 - all plans shall be submitted folded with an accompanying site location map (a USGS quadrangle is preferred);
 - all projects must provide precision bathymetry (accurate to 0.10 foot vertically and 1 foot horizontally);
 - all plans submitted shall show nearby outfalls, bulkheads, dolphins, mooring areas, turning basins, and any other prominent surface or bottom features;
 - all plans must accurately identify proposed core sampling locations;
 - hydrographic plans must be dated indicating the time the survey was taken and when the plan(s) was prepared;
 - all plans must identify the areas to be dredged;
 - all plans shall identify project depths in feet below Mean Low Water;*See Figures in WFD packet.*
5. The location of the proposed disposal/management area, photographs of the disposal site, and method of transporting material to the disposal area. For proposed use options, a description of how the dredged material is to be used must be provided.

Not applicable -- Material is not being beneficially re-used and is not being disposed of in New Jersey. Transportation will be via DOT-licensed hauler and material disposal site will be an out-of-state commercially licensed RCRA Subtitle C landfill. Candidate disposal facilities are identified below.

6. The estimated volume of dredged material and length of time necessary to conduct the dredging project, including approximate number of barge trips, if applicable.

The estimated volume of dredged material is 20,000 cy. Implementation of dredging including mobilization, dredging, dredge material processing, transportation & disposal, placement of the cap, and demobilization is 215 days or approximately 7 months. Dredging and capping work is estimated at 4 months. There will be approximately 24 trips, each with a fleet of 3 barge trips. Three barges (250 cy each) will be at the dredge site, with for a total of 9 barges (three also at the unloading facility and 3 empty barges awaiting transport back to the dredge site).

7. An inventory of aquatic resources in the area to be dredged such as shellfish beds, eel grass beds, wetlands, shorebird nesting habitat, migratory pathways for finfish, and other aquatic organisms. Mapping of many resources is available from the Land Use Regulation Program. The Program may require surveys at the application stage if insufficient data are available for the Program to determine the project's compliance with the Rules on Coastal Zone Management (such a determination will be made on a project-specific basis).

The project area is a mudflat with no submerged aquatic vegetation. In 2010, Windward Environmental LLC performed a habitat identification survey and fish community survey with tissue collection. Reports were issued in June and July 2011, respectively. Based on this information, it is anticipated that there would be only low biomass in mudflats. In a project conference call on February 5, 2013, NJDEP indicated that a fish window prohibiting dredging prior to July 1, 2013 would be imposed. The project will adhere to this with a dredging start date of July 1, 2013. In-water work is scheduled to be completed in October, 2013.

The objective of the project is to remove contaminated sediment, therefore, the project will reduce the potential for exposure to receptors from sediments present in the RM 10.9 Removal Area, and will prevent potentially significant migration of contamination in the Passaic River.

The Department recommends that the following information also be submitted with the preapplication request. This information will be utilized by the Department as part of its review to determine the potential of sediments in the dredging project area to contain contaminants, in an effort to minimize the sampling and testing requirements for applicants, and to develop a sampling plan. Any additional available information related to potential contamination or non-contamination of the sediments should also be submitted.

8. The location and type of all existing outfalls to surface waters on site and within 500 feet of the site. *See corresponding Figure in WFD packet.*
9. Where available, a ten year history and summary of past dredging events, including grain size, Total Organic Carbon, percentage moisture, and bulk sediment chemistry analysis data. *See Project Description in WFD packet and Table 3-2 in Pre-Design Report.*
10. The past history of on-site and adjacent land uses, and documented spills (including type, volume, and date) either on land or into surface waters. *See Project Description in WFD packet.*
11. An inventory of known and suspected historic upstream and downstream spills and unauthorized discharges of pollutants. *See Project Description in WFD packet.*

12. The location of any potable water intakes within one mile of the disposal site. *This portion of the Lower Passaic River is an estuary which experiences tidal movement of saline (non-potable) water. There are no known potable water intakes within one mile of the project site.*

Pre-application discussions with the Land Use Regulation Program are required prior to the actual submittal of a permit application, to discuss the proposed project, required permits, sampling and testing protocols, and other information which must be submitted with the application. At this time, a project manager from the Land Use Regulation Program will be assigned to the proposed project and will act as the Department's point of contact with the applicant. The purposes of the preapplication discussions are (1) to preliminarily identify potential project impacts and areas of concern, (2) to identify the permits required for the proposed project, (3) to develop the sampling and testing plans needed to obtain the data required by the Department to properly characterize the sediments to be dredged (which will, in part, be used to evaluate the potential impacts of the dredging operation and the applicant-selected dredged material management alternative), (4) to identify other information the Department will need as part of its regulatory review process, and (5) to develop a plan of action and tentative schedule for completing data-gathering and review activities, ultimately leading to a regulatory decision by the Department.

D - Sampling of Sediment

The proposed sampling plan must be presented to the Land Use Regulation Program for review and approval prior to samples being taken. In addition to the required information discussed in Section III-A, Sections A and B of the Department's Dredged Material Data Form (see Appendix C) must be completed and submitted to the Land Use Regulation Program with the proposed sampling plan. The sampling plan must include the following information. *Sampling has been performed in accordance with EPA-approved plans: Quality Assurance Project Plan (QAPP), Lower Passaic River Restoration Project, River Mile 10.9 Characterization, October 2011, Revision 3 (AECOM, 2011), also referred to as the RM 10.9 QAPP, and the Quality Assurance Project Plan (QAPP), River Mile 10.9 Hydrodynamic Field Investigation (HFI) for the Lower Passaic River, Lower Passaic River Restoration Project, October 2011, Revision 2 (AECOM, 2011), also referred to as the RM 10.9 HFI QAPP. Results are provided in the River Mile 10.9 Characterization Program Summary Report (Draft), Lower Passaic River Study Area Report (CH2M HILL and AECOM, 2012)*

Supplemental sampling for stabilization and disposal facility profiling is being performed in accordance with sampling procedures approved by USEPA and provided to NJDEP. Results of these tests will be provided to NJDEP.

(1) Development of the Sampling Plan

- a. Sample locations should be chosen so as to provide representative information on the volume, potential contamination, grain size, Total Organic Carbon, and percentage moisture of the sediments to be dredged. *Agreed. See QAPPs and Characterization Program Summary Report. Additional design data have been collected with the concurrence of the USEPA and input from the NJDEP.*
- b. In order to evaluate contamination of the sediments by pollutants, the sampling plan should include locations near the positions of any outfalls, tributaries, industrial sources, and historical spill areas. Previous test data for maintenance dredging projects should also be taken into account when choosing sampling locations. *Agreed. See QAPPs and Characterization Program Summary Report. Additional design data have been collected with the concurrence of the USEPA and NJDEP.*
- c. The required number of sediment core samples to be taken per volume of sediment to be dredged, and the maximum number of core samples per analytical composite, is based (in part) on the application of guidelines developed for the Puget Sound Dredged Disposal Analysis Program (U.S. Army Corps of Engineers, Seattle District et al., 1997). This guidance has been used to determine the total number of core samples which will be necessary to fully characterize the dredging project. In most cases, individual core samples may be composited for analytical purposes. *Within the RM 10.9 Sediment Deposit Area, cores were advanced and samples were taken from 54 locations. Of these 54 locations, 25 fall within the RM 10.9 Removal Area. Additional samples were collected as part of the RM 10.9 QAPP Addendum A and Supplemental Sampling activities to characterize sediment along the shore within the RM 10.9 sediment deposit and upstream of the deposit. The sampling results from these programs are summarized in Table 3-1 of the Pre-Final Design Report. The sampling was performed under the direction and guidance of USEPA. Cores were not composited. For disposal facility purposes, 1 composite sample per 1000 tons in-situ are being collected for TCLP analysis.*
- d. For all projects (that do not meet Testing Exclusion Cases #3, #4, or #5 -- see Section III-C), a minimum of three (3) core samples must be collected. For general guidance on the required number of core samples to be taken per volume of sediment to be dredged and the maximum number of core samples which may be composited, use the following table:

	Maximum Project Size	Max Volume per Core	Max # Cores per Composite
Region 1	60,000 cy	4,000 cy	3
(except Ambrose and Sandy Hook Channels)			
Region 2	72,000 cy	8,000 cy	3
Region 3	64,000 cy	8,000 cy	2

For dredging projects of larger volumes than that stated above, sampling plans and compositing scheme will be developed on a case-by-case basis by the Department in conjunction with the project applicant. Note, however, that each project (regardless of size) should be assessed on a site-specific basis, taking into consideration reach boundaries and the areal extent of the project, the location(s) of outfalls and tributaries, as well as the volume of dredged material. *24 locations were sampled within the RM 10.9 Sediment Removal Area, for approximately 20,000 cy of material. Cores were not composited. For disposal facility purposes, 1 composite sample per 1000 tons in-situ will be collected for TCLP analysis.*

- e. Samples may be composited using the following general guidelines. The Department will determine the sample compositing scheme for the project:
 1. Separate cores may be composited only if the grain size and likelihood of contamination is similar based on depositional characteristics, spill history, location of outfalls, etc. If a group of cores is greater than six (6) feet in length, similar strata occurring at approximately the same depths may be composited; dissimilar strata cannot be composited [see Section III-D(2)(d)].
 2. The number of cores to be composited should be kept to a minimum. Minimal compositing will serve to fully characterize the sediments proposed for dredging and disposal/management/use.
 3. Compositing will be conducted on a reach-by-reach basis. A reach is a continuous stretch of waterway not separated by any structure and subject to similar hydrodynamic and depositional features as well as similar upland inputs. Reach boundaries must be approved by the Department. *Cores were not composited.*
- f. For proposed uses of dredged material (see Chapter V and Appendix E), the general sampling and compositing requirements specified above may not be appropriate. The Department will develop the sampling plan and compositing scheme for such projects on a cases-by-case basis in conjunction with the project applicant. *Dredge material is not proposed to be re-used.*
- g. The Department will coordinate with the U.S. Army Corps of Engineers and U.S. Environmental Protection Agency on the approval of sampling plans and testing for ocean disposal projects in New Jersey waters. *Dredge material is not proposed for ocean disposal.*

(2) Operational Aspects of Sampling and Compositing

- a. In order for the data to be valid, all sediment core samples must be taken in accordance with the approved sampling plan, and the guidance specified in this Section and in Appendix A.
- b. Core samples are to be taken to the proposed project depth plus allowable overdredge (2 feet). *Cores were taken deeper than the allowable over-dredge of 2 feet.*

- c. Field logs of each core shall be submitted. Grain size analysis shall be conducted, using the method of R.L. Folk, 1980. *Testing, including grain size analysis, was performed as described in the QAPP, the RM 10.9 QAPP Addendum A (AECOM, 2012), the LPR Supplemental Sampling Program. Results are presented in the 10.9 Characterization Program Summary, Lower Passaic River Study Area (CH2M HILL and AECOM, 2012).*
- d. Core samples six (6) feet or less in length may be homogenized. Separate cores may be composited only if the grain size and likelihood of contamination is similar based on depositional characteristics, spill history, location of outfalls, etc. *Cores were not composited. For disposal facility purposes, 1 composite sample per 1000 tons in-situ will be collected for TCLP analysis.*
- e. Cores greater than six (6) feet in length may be homogenized unless there are distinct visual strata in grain size and composition which are at least 2 feet in depth. The Department shall be notified of any such cores that show grain size stratification prior to homogenizing. For those cores that show grain size stratification, each strata with a depth of 2 feet or greater must be analyzed separately (i.e. the entire core should not be homogenized for testing purposes if distinct strata are present). If a group of cores is greater than six (6) feet in length, similar strata occurring at approximately the same depths may be composited; dissimilar strata cannot be composited. *Cores were not homogenized.*

Appendix E: Dredged Material Data Form

State of New Jersey

Department of Environmental Protection Dredge Material Data Form (DMDF-997)

DREDGING ACTIVITY

1. Project Applicant *Cooperating Parties Group.*
2. Permit Application Number or other pending permits *Tidelands License pending.*
3. Dredging Location: Water body *Lower Passaic River, River Mile 10.9.*
State Plane Coordinates of Dredging Site:

X E 593070

Y N 723940

- attach USGS quadrangle or county map with project location highlighted *See WFD packet.*
4. Water Environment, Fresh " Saline X, and salinity if known _____ Refer to 10.9
Characterization Program Summary, Lower Passaic River Study Area (CH2M HILL and AECOM, 2012). This portion of the river is a tidal estuary which experiences tidal movement of saline (non-potable) water.

Depth of water within project area at Mean Low Water

Existing *See bathymetry figures in WFD. Depth of water at MLW ranges from zero depth at the mudflat to a maximum of approximately 6 feet.*

Proposed *See Pre-Design Report for cap details. Average proposed depth of water will be approximately 6" deeper than existing in some areas, depending on cap armor type and settlement. Thus there is no net fill.*

Maintenance or New Dredging

5. Volume of Material to be removed *20,000 cubic yards*
6. Method of Dredging: - hydraulic -
 - clamshell - closed
 - clamshell _____
 - hopper
 - bucket
 - other (specify) *Environmental Clamshell*

MANAGEMENT/DISPOSAL OF DREDGED MATERIAL

7. What is proposed method of disposal or long term use of the dredged material?

Stabilized Dredged Material: Disposal will be at an out-of-state commercially licensed Subtitle C Landfill as approved by the USEPA under the Off-Site Rule (40 CFR 300.440). Facilities under consideration are identified below.

Water: Excess barge water will be collected, containerized and analyzed. Disposal will be at a wastewater treatment facility licensed to manage the types of contaminants expected to be present in the separated water. Bidders were provided with existing sediment and water quality data to evaluate the appropriateness of the wastewater for various treatment facilities. The proposed wastewater disposal facility will be identified to USEPA and NJDEP along with the selected dredged material disposal facility. The project will not discharge water directly from the barges.

8. Method of Transport to Management/Disposal Site:

- truck X to landfill and wastewater treatment facility
- barge X to commercial NJ sediment processing facility
- pipeline _____
- other (specify) Rail or combination of truck and rail to landfill

9. State Plane Coordinates of Disposal/Management Site Location: Specify all interim and final locations

The CPG is committed to working with USEPA and NJDEP to select vendors for this project and complete the WFD, Tidelands, and AUD processes. The proposed facilities will be identified to USEPA and NJDEP. Commercial processing facilities being considered are shown in Figures E01 and E02 and are:

- *Koppers Dredged Material Processing Facility (DMPF) operated by Clean Earth Dredging Technologies, Inc.*
 - 1 Fish House Road, Kearny, NJ 07032
 - Block 287 Lot 70, Town of Kearny, Hudson County
 - Permits:
 - AUD Permit; Air Pollution Control Permit No. PCP090001
 - NJ Meadowlands Commission Conditional Zoning Certificate File No. 04-319
 - NJDEP Stream Encroachment Permit DEP File # 0907-02-003.3
 - FHA040001
 - Hudson-Essex-Passaic Soil Conservation District – Soil Erosion & Sediment Control Plan Approval No. 207-H-2480
 - NJDEP AUD modification

- *Jay Cashman Inc., Dredged Material Processing Facility*
 - Lot: 1469~ Block: 4, City of Elizabeth, Union County
 - 650 South Front Street, Elizabeth, NJ
 - Permit No. 0000-04-0018.1 WQC 040001

Commercially licensed out-of-state Subtitle C landfill disposal, in discussions with:

- *Clean Harbors, Lone Mountain OK*
 - Route 2 Box 170 Waynoka, OK 73860, Woods County. Located northwest of Oklahoma City
 - EPA ID: OKD065438376
- *EQ/Wayne Disposal Inc., Belleville MI*
 - 49350 North Interstate 94 Service Drive, Belleville, MI 48111, Wayne County
Located east/southeast of Ann Arbor
 - EPA ID: MID048090633
- *EnviroSafe Services of Ohio, Inc., Oregon Ohio*
 - 876 Otter Creek Road, Oregon, OH 43616. Lucas County. Located east of Toledo
 - EPA ID: OHD045243706

Licensed or Permitted Process Water Disposal facilities proposed by bidders and under evaluation are:

- *Clean Harbors of Connecticut, Inc.*
 - 51 Broderick Road, Bristol, Connecticut 06010
 - CTD000604488
- *Clean Harbors of Baltimore, Inc.*
 - 1910 Russell Street, Baltimore, Maryland 21230
 - MDD980555189
- *EnviroSafe Services of Ohio Inc.*
 - Landfill disposal (water is proposed to be solidified)
 - EPA ID: OHD045243706

-attach USGS or county map with disposal/management location highlighted *See Figures E01 and E02*

Municipality *Out of state* **County** *Out of state*

Lot *See above for processing facility,* **Block** *See above for processing facility*

Disposal/Management site owner *Out of state. See above*

If disposal/management site is not owned by applicant, attach proof that property owner has authorized the placement of dredge material on the property. *Disposal facility approvals are in process. The final disposal facility will be approved by USEPA under the Off-Site Rule and will be identified to NJDEP.*

SAMPLING AND TESTING REQUIREMENTS

THE FOLLOWING TESTING EXCLUSIONS ARE AVAILABLE AS SPECIFIED IN CHAPTER III, SECTION C OF THE TECHNICAL MANUAL, PROVIDED THE DATA IS COLLECTED IN ACCORDANCE WITH A DEPARTMENT APPROVED SAMPLING PLAN.

10. Testing Exclusions

- Does the project meet any of the Testing Exclusion Cases as specified in Chapter III, Section C of the Department's Technical Manual? yes no X

If yes, specify and attach proofs, of which exclusions are met. Provide the following as appropriate:

CASE 1 (Sand)

-Grain size analysis demonstrating that the material to be dredged is greater than 90• sand

CASE 2 (Subaqueous Disposal Pit)

-less than 1000 cubic yards

-permission to use subaqueous disposal pit

CASE 3 (Residential Property in Region 2)

-project is located between Sandy Hook and Cape May

-less than 500 cubic yards

-disposal site is a residential upland area adjacent to the dredging site

-the dredging site contains 4 or less boat slips

-the disposal /management area is owned by the same person as the area to be dredged -the dredged material is proposed to be capped with 6 inches of clean fill

CASE 4 (Small Projects in Region 2)

-less than 1000 cubic yards

-project is located between Sandy Hook and Cape May

-demonstration that the disposal area is figt, located in a residential/recreational area

CASE 5 (Small marinas, channels and other projects in Region 2)

-less than 5000 cubic yards

-project is between Sandy Hook and Cape May

-site has not been occupied with a marina of 25 or more boats and does not have a current or historic industrial use on the adjacent upland

-demonstration that the disposal site is not located in a residential/recreational area

11. If no, proceed with the remainder of this form

ALL SAMPLING PLANS MUST BE REVIEWED AND APPROVED BY THE LAND USE REGULATION PROGRAM PRIOR TO THE COLLECTION OF SAMPLES. *The RM 10.9 Characterization Program was conducted under the direction and guidance of the USEPA. The results are presented in the Characterization Program Summary report dated April 19, 2012 (CH2M HILL and AECOM). Additional design data for disposal approvals are being collected, with NJDEP input, and results will be submitted to NJDEP.*

Sampling plan approved? yes X by USEPA no . Date of approval August 17, 2011

Location and number of sampling points. Attach copy of approved sampling plan. *Within the Sediment Deposit Area, cores were advanced and samples were taken from 54 locations. Of these 54 locations, 25 fall within the RM 10.9 Removal Area. Additional samples were collected as part of the RM 10.9 QAPP Addendum A and Supplemental Sampling activities to characterize sediment along the shore within the RM 10.9 sediment deposit and upstream of the deposit. The sampling results from these programs are summarized in Table 3-1 of the Pre-Final Design. Samples from the 0-2 foot interval have been collected, with NJDEP input, for stabilization and disposal facility profiling purposes and results will be provided to NJDEP.*

Depth cores taken to: *approximately 6 feet at Mean Low Water*

List and describe any cores greater than 6 feet in length. *None.*

-attach appropriate narrative.

Describe and attach narrative of similarities and differences between sediment cores -Enclose core logs with dredging application *Four depth intervals are characterized in Table 3-2 of the Pre-Design: 0 to 2.5 feet below ground (sediment) surface (bgs), representing the dredge interval of 0 to 2 feet bgs; and 2.5–3.5 feet bgs, 3.5–5.5 feet bgs, and 5.5 feet bgs to native, representing the material that will be left in place after the sediment removal and capping activities are completed. The estimated grain size distribution for the dredged sediment, which is based on results from the 0–2.5 feet bgs depth interval, is approximately 2 percent gravel, 30 percent sand, and 68 percent silt and clay. The average percent solids is approximately 50 in the top 2.5 feet of sediment. Specific gravity of the dredged sediment will likely range from 2.3 to 2.7 based on the 2011 sediment characterization program data. Additional geotechnical data to support the removal and capping activities were collected in June 2012 (AECOM, 2012a). These data, which were collected down to the bedrock layer, have been provided in the Pre-Final Design Report and include grain size, Atterberg limits, unconfined compressive strength for cohesive soils, moisture content, and specific gravity.*

Was stratification present within any cores greater than 6 feet in length? yes , no

If yes, provide depth and description of stratification *No cores were greater than 6 feet in length*

Describe how each core was homogenized. *Cores were not homogenized. See River Mile 10.9 Characterization Program Summary, Lower Passaic River Study Area (CH2M HILL and AECOM, 2012).*

Detail what homogenized cores and/or strata were combined to form composite samples. *Cores were not homogenized and samples were not composited. For disposal facility selection purposes, 1 composite sample per 1000 tons in-situ will be collected for TCLP analysis.*

TESTING REQUIREMENTS

12. Check those tests for which data is being submitted

Physical, grain size X Total Organic Carbon X % moisture X

Bulk Sediment Chemistry X

Elutriate *N/A; Water is not being discharged from the barge and will be disposed of in accordance with applicable regulations. The proposed water disposal facility will be identified to USEPA and NJDEP once bids are reviewed.*

Modified Elutriate *N/A; Water is not being discharged from the barge and will be disposed of in accordance with applicable regulations. The proposed water disposal facility will be identified to USEPA and NJDEP once bids are reviewed.*

Leaching Test *N/A*

-Sequential Batch Leaching Test

-Column Leach Test _____

- Other _____

Bioaccumulation *N/A*

Bioassay

N/A

See table below for min, max and average grain size, TOC and % moisture. See QAPP, River Mile 10.9 Characterization Program Summary Report (Draft), Lower Passaic River Study Area (CH2M HILL and AECOM, 2012), previously provided, for bulk sediment chemistry.

Sediment Physical Characteristic	0.0–2.5 feet bgs		
	Max.	Min.	Avg.
% Cobble	—	—	—
% Gravel	37	0.0	1.7
% Sand	98	2.5	29
% Silt and clay	98	2.0	69
% Moisture	213	11	111
% Solids	91	27	49
Specific gravity	3.0	2.3	2.5
TOC	12	0.34	5.9



CH2MHILL®

JAY CASHMAN INC.
DREDGED MATERIAL PROCESSING FACILITY
680 S FRONT STREET
CITY OF ELIZABETH, UNION COUNTY, NJ 07202
LOT 1459, BLOCK 4

FIGURE E01
LOCATION OF POTENTIAL
SEDIMENT PROCESSING FACILITY
JAY CASHMAN INC.

APPLICANT:
WILLIAM H. HYATT, JR.
ON BEHALF OF LOWER PASSAIC RIVER
STUDY AREA COOPERATING PARTIES
GROUP (LPRSA CP6)
K&L GATES LLP
ONE NEWARK CENTER, 10TH FLOOR
NEWARK, NJ 07102

REUSE OF DOCUMENTS:
THIS DOCUMENT AND THE IDEAS AND DESIGNS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF
CH2M HILL AND IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF CH2M HILL.

DSGN DR D LIEBERSBACH CHK K GALLOWAY APVD

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CH2MHILL®		FIGURE E02	
JAY CASHMAN INC. DREDGED MATERIAL PROCESSING FACILITY 680 S FRONT STREET CITY OF ELIZABETH, UNION COUNTY, NJ 07202 LOT 1459, BLOCK 4		LOCATION OF POTENTIAL SEDIMENT PROCESSING FACILITY CLEAN EARTH DREDGING TECHNOLOGIES INC.	
APPLICANT: WILLIAM H. HYATT, JR. ON BEHALF OF LOWER PASSAIC RIVER STUDY AREA COOPERATING PARTIES GROUP (LPRSA CP6) K&L GATES LLP ONE NEWARK CENTER, 10TH FLOOR NEWARK, NJ 07102		REUSE OF DOCUMENTS: THIS DOCUMENT AND THE IDEAS AND DESIGNS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF CH2M HILL AND IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF CH2M HILL.	
DSGN	DR	D LIEBERSBACH	CHK K GALLOWAY
		APVD	
Permit_D02_PlantSite2.dgn		PLOT DATE: 19 FEB 2013	
WFD Permit Equivalency Application Package Page 96 of 151		PLOT TIME: 10:28	
ED_002570_00000717-00103			

LIST OF POTENTIAL PROCESSING AND DISPOSAL FACILITIES

Potential Sediment Processing Facilities

Clean Earth Dredging Technologies Inc.
1 Fish House Road
Kearny, Hudson County, NJ 07032
Block 287 Lot 70

Jay Cashman Inc.
Dredged Material Processing Facility
650 S Front Street
City of Elizabeth, Union County, NJ 07202
Lot 1469 Block 4

Potential Disposal Facilities for Stabilized or Dewatered Sediment:

Clean Harbors, Lone Mountain OK
Route 2 Box 170
Waynoka, Woods County, OK 73860
Located northwest of Oklahoma City
EPA ID: OKD065438376

EQ/Wayne Disposal Inc, Belleville MI
49350 North Interstate 94 Service Drive
Belleville, Wayne County, MI 48111
Located east/southeast of Ann Arbor
EPA ID: MID048090633

EnviroSafe Services of Ohio, Inc, Oregon Ohio;
876 Otter Creek Road Oregon
Lucas County, OH 43616
Located east of Toledo
EPA ID: OHD045243706

Potential Water Disposal Facilities

Clean Harbors of Connecticut, Inc.
51 Broderick Road, Bristol, Connecticut 06010
EPA ID: CTD000604488
Clean Harbors of Baltimore, Inc.
1910 Russell Street, Baltimore, Maryland 21230
EPA ID: MDD980555189

EnviroSafe Services of Ohio Inc,
Landfill disposal (water is proposed to be solidified)
EPA ID: OHD045243706

Appendix F: Notices to the Clerk of the Township of Lyndhurst and Property Owners Within 200 Feet of the Project Area



de maximis, inc.

186 Center Street
Suite 290
Clinton, NJ 08809
(908) 735-9315
(908) 735-2132 FAX

Willard F. Potter

Project Coordinator
Lower Passaic River Study Area
Cooperating Parties Group

February 18, 2013

FILE COPY

Township Clerk of Lyndhurst
253 Stuyvesant Avenue
Lyndhurst, New Jersey 07071

Via US Certified Mail Return Receipt

**Subject: Public Notification of Proposed Development
River Mile 10.9 Removal Action
Lower Passaic River Study Area, Lyndhurst, New Jersey**

To the Township Clerk:

In accordance with the New Jersey Administrative Code (N.J.A.C.) 7:7 Coastal Permit Programs Rule, Subchapter 4, Permit Review Procedure, this letter is to provide you with legal notification that a permit-equivalent application will be submitted to the New Jersey Department of Environmental Protection (NJDEP), Land Use Regulation Program (LURP) for the project described below and shown on the enclosed plan. A Waterfront Development permit-equivalent is required for this project because it involves dredging of sediment from the Lower Passaic River.

Three copies of the complete LURP 2 permit-equivalent application package are included. Per N.J.A.C. 7:7 requirements, please distribute one copy to your Planning and Zoning Board and Environmental Commission. Retain the third copy for your office files.

The complete permit-equivalent application package can also be reviewed by appointment at the NJDEP's Trenton office. The NJDEP welcomes comments and any information that you may provide concerning the proposed development and site.

FILE COPY


de maximis

Please submit your *written* comments within 15 days of your receipt of this letter to:

New Jersey Department of Environmental Protection
Land Use Regulation Program
PO Box 439
501 East State Street
Trenton, New Jersey 08625-0439
Attn: Lyndhurst Section Chief

Please submit a copy of your comments to me at:

Willard F. Potter
Project Coordinator
Lower Passaic River Study Area Cooperating Parties Group
de maximis, Inc.
186 Center Street Suite 290
Clinton, New Jersey 08809

You can also contact the NJDEP Division of Land Use Regulation by telephone at 609-777-0454 and can obtain general information about the program at the following link www.nj.gov/dep/landuse

Project Description

This sediment Removal Action will be conducted by the Lower Passaic River Study Area Cooperating Parties Group pursuant to a settlement agreement, and with the oversight of the U.S. Environmental Protection Agency (EPA) under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (CERCLA Docket No. 02-2012-2015). The New Jersey Department of Environmental Protection (NJDEP) is also involved through its review of the project specifications and through issuance of Permit Equivalents for actions such as dredging.

The Lower Passaic River Study Area Cooperating Parties Group (LPRSA CPG) intends to remove two feet of sediment from the Lower Passaic River in the vicinity of River Mile (RM) 10.9 adjacent to Riverside County Park and the Thomas F. Gallagher Memorial Recreation Area in the Township of Lyndhurst, County of Bergen. The RM 10.9 Removal Area extends approximately 2,380 feet (ft), from RM 10.65 to RM 11.2, on the eastern side of the river and upstream from the DeJessa Park Avenue Bridge (see Figure 1).

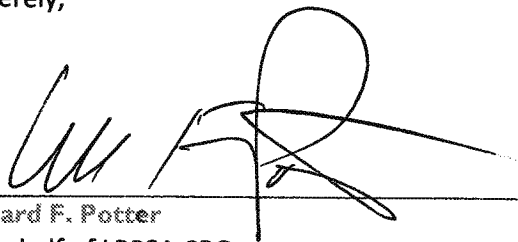
The sediment will be dredged with an environmental clamshell bucket and other recognized best management practices. The sediment will then be transported by barge to a down river, commercial sediment processing facility at which it will be prepared and then transported for out-of-state landfill disposal. An engineered cap will replace the removed sediment; the cap is being designed to physically and chemically isolate the remaining sediment from the environment.

✧ Page 2

The in-water dredging is planned to occur in July and August, 2013. No adjacent upland property will be utilized during this Removal Action. There will be no changes in elevation or flooding potential from this in-river work.

If you have further questions or require additional information on this project, please contact us at 908-735-9315.

Sincerely,



Willard F. Potter

On behalf of LPRSA CPG

Enclosures:

Figure 1 – Project Location

LURP 2 Waterfront Development Package (3 copies)

Cc: Lyndhurst Construction Department
Bergen County Environmental Council
US Army Corps of Engineers



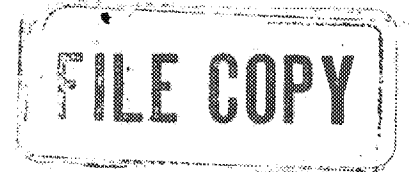
de maximis, inc.

186 Center Street
Suite 290
Clinton, NJ 08809
(908) 735-9315
(908) 735-2132 FAX

Willard F. Potter

Project Coordinator
Lower Passaic River Study Area
Cooperating Parties Group

February 18, 2013



Township of Lyndhurst Building Department
253 Stuyvesant Avenue
Lyndhurst, New Jersey 07071

Via US Certified Mail Return Receipt

**Subject: Public Notification of Proposed Development
River Mile 10.9 Removal Action
Lower Passaic River Study Area, Lyndhurst, New Jersey**

To Construction Official:

In accordance with the New Jersey Administrative Code (N.J.A.C.) 7:7 Coastal Permit Programs Rule, Subchapter 4, Permit Review Procedure, this letter is to provide you with legal notification that a permit-equivalent application will be submitted to the New Jersey Department of Environmental Protection (NJDEP), Land Use Regulation Program (LURP) for the project described below and shown on the enclosed plan. The LURP 2 permit-equivalent application form is also included. A Waterfront Development permit-equivalent is required for this project because it involves dredging of sediment from the Lower Passaic River. The complete permit-equivalent application package can be reviewed at either the municipal clerk's office or by appointment at the NJDEP's Trenton office. The NJDEP welcomes comments and any information that you may provide concerning the proposed development and site. Please submit your *written* comments within 15 days of your receipt of this letter to:

New Jersey Department of Environmental Protection
Land Use Regulation Program
PO Box 439
501 East State Street
Trenton, New Jersey 08625-0439
Attn: Lyndhurst Section Chief

Please submit a copy of your comments to me at:

Willard F. Potter
Project Coordinator
Lower Passaic River Cooperating Parties Group
de maximis, Inc.
186 Center Street Suite 290
Clinton, New Jersey 08809

You can also contact the NJDEP Division of Land Use Regulation by telephone at 609-777-0454 and can obtain general information about the program at the following link www.nj.gov/dep/landuse

Project Description

This sediment Removal Action will be conducted by the Lower Passaic River Study Area Cooperating Parties Group pursuant to a settlement agreement, and with the oversight of the U.S. Environmental Protection Agency (EPA) under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (CERCLA Docket No. 02-2012-2015). The NJDEP is also involved through its review of the project specifications and through issuance of Permit Equivalents for actions such as dredging.

The Lower Passaic River Study Area Cooperating Parties Group (LPRSA CPG) intends to remove two feet of sediment from the Lower Passaic River in the vicinity of River Mile (RM) 10.9 adjacent to Riverside County Park and the Thomas F. Gallagher Memorial Recreation Area in the Township of Lyndhurst, County of Bergen. The RM 10.9 Removal Area extends approximately 2,380 feet (ft), from RM 10.65 to RM 11.2, on the eastern side of the river and upstream from the DeJessa Park Avenue Bridge (see Figure 1).

The sediment will be dredged with an environmental clamshell bucket and other recognized best management practices. The sediment will then be transported by barge to a down river, commercial sediment processing facility at which it will be prepared and then transported for out-of-state landfill disposal. An engineered cap will replace the removed sediment; the cap is being designed to physically and chemically isolate the remaining sediment from the environment.

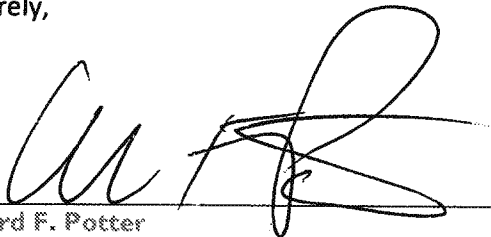
The in-water dredging is planned to occur in July and August, 2013. No adjacent upland property will be utilized during this Removal Action. Furthermore, there will be no changes in elevation or flooding potential from this in-river work.

FILE COPY


de maximis

If you have further questions or require additional information on this project, please contact us at 908-735-9315.

Sincerely,



Willard F. Potter

On behalf of LPRSA CPG

Enclosures:

Figure 1 – Project Location
LURP2 Form

Cc:

Township Clerk of Lyndhurst
Bergen County Environmental Council
US Army Corps of Engineers



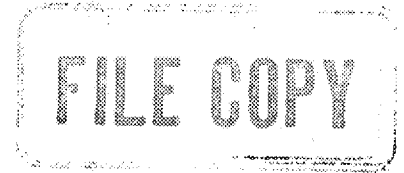
de maximis, inc.

186 Center Street
Suite 290
Clinton, NJ 08809
(908) 735-9315
(908) 735-2132 FAX

Willard F. Potter

Project Coordinator
Lower Passaic River Study Area
Cooperating Parties Group

February 18, 2013



Bergen County Environmental Council
c/o Bergen County Soil Conservation District
700 Kinderkamack Road, Suite 106
Oradell, New Jersey 07649

Via US Certified Mail Return Receipt

**Subject: Public Notification of Proposed Development
River Mile 10.9 Removal Action
Lower Passaic River Study Area, Lyndhurst, New Jersey**

To Environmental Council:

In accordance with the New Jersey Administrative Code (N.J.A.C.) 7:7 Coastal Permit Programs Rule, Subchapter 4, Permit Review Procedure, this letter is to provide you with legal notification that a permit-equivalent application will be submitted to the New Jersey Department of Environmental Protection (NJDEP), Land Use Regulation Program (LURP) for the project described below and shown on the enclosed plan. The LURP 2 permit-equivalent application form is also included. A Waterfront Development permit-equivalent is required for this project because it involves dredging of sediment from the Lower Passaic River. The complete permit-equivalent application package can be reviewed at either the municipal clerk's office or by appointment at the NJDEP's Trenton office. The NJDEP welcomes comments and any information that you may provide concerning the proposed development and site. Please submit your *written* comments within 15 days of your receipt of this letter to:

New Jersey Department of Environmental Protection
Land Use Regulation Program
PO Box 439
501 East State Street
Trenton, New Jersey 08625-0439
Attn: Lyndhurst Section Chief

Please submit a copy of your comments to me at:

Willard F. Potter
Project Coordinator
Lower Passaic River Study Area Cooperating Parties Group
de maximis, Inc.
186 Center Street Suite 290
Clinton, New Jersey 08809

You can also contact the NJDEP Division of Land Use Regulation by telephone at 609-777-0454 and can obtain general information about the program at the following link www.nj.gov/dep/landuse

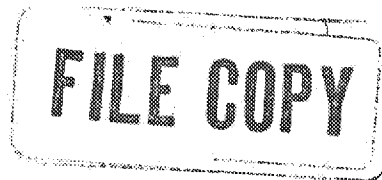
Project Description

This sediment Removal Action will be conducted by the Lower Passaic River Study Area Cooperating Parties Group pursuant to a settlement agreement, and with the oversight of the U.S. Environmental Protection Agency (EPA) under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (CERCLA Docket No. 02-2012-2015). The New Jersey Department of Environmental Protection (NJDEP) is also involved through its review of the project specifications and through issuance of Permit Equivalents for actions such as dredging.

The Lower Passaic River Study Area Cooperating Parties Group (LPRSA CPG) intends to remove two feet of sediment from the Lower Passaic River in the vicinity of River Mile (RM) 10.9 adjacent to Riverside County Park and the Thomas F. Gallagher Memorial Recreation Area in the Township of Lyndhurst, County of Bergen. The RM 10.9 Removal Area extends approximately 2,380 feet (ft), from RM 10.65 to RM 11.2, on the eastern side of the river and upstream from the DeJessa Park Avenue Bridge (see Figure 1).

The sediment will be dredged with an environmental clamshell bucket and other recognized best management practices. The sediment will then be transported by barge to a down river, commercial sediment processing facility at which it will be prepared and then transported for out-of-state landfill disposal. An engineered cap will replace the removed sediment; the cap is being designed to physically and chemically isolate the remaining sediment from the environment.

The in-water dredging is planned to occur in July and August, 2013. No adjacent upland property will be utilized during this Removal Action. There will be no changes in elevation or flooding potential from this in-river work.



If you have further questions or require additional information on this project, please contact us at 908-735-9315.

Sincerely,

A handwritten signature in black ink, appearing to read "W. F. Potter".

Willard F. Potter
On behalf of LPRSA CPG

Enclosures:

Figure 1 – Project Location

Cc: Lyndhurst Building Department
US Army Corps of Engineers
Township Clerk of Lyndhurst





de maximis, inc.

186 Center Street
Suite 290
Clinton, NJ 08809
(908) 735-9315
(908) 735-2132 FAX

Willard F. Potter

Project Coordinator
Lower Passaic River Study Area
Cooperating Parties Group

February 18, 2013

Lisa Baron
U.S. Army Corps of Engineers
Jacob K. Javits Federal Building
26 Federal Plaza, Room 2109
New York, NY 10278-0090

FILE COPY

Via US Certified Mail Return Receipt

**Subject: Public Notification of Proposed Development
River Mile 10.9 Removal Action
Lower Passaic River Study Area, Lyndhurst, New Jersey**

To Ms. Baron:

In accordance with the New Jersey Administrative Code (N.J.A.C.) 7:7 Coastal Permit Programs Rule, Subchapter 4, Permit Review Procedure, this letter is to provide you with legal notification that a permit-equivalent application will be submitted to the New Jersey Department of Environmental Protection (NJDEP), Land Use Regulation Program (LURP) for the project described below and shown on the enclosed plan. The LURP 2 permit-equivalent application form is also included. A Waterfront Development permit-equivalent is required for this project because it involves dredging of sediment from the Lower Passaic River. The complete permit-equivalent application package can be reviewed at either the municipal clerk's office or by appointment at the NJDEP's Trenton office. The NJDEP welcomes comments and any information that you may provide concerning the proposed development and site. Please submit your *written* comments within 15 days of your receipt of this letter to:

New Jersey Department of Environmental Protection
Land Use Regulation Program
PO Box 439
501 East State Street
Trenton, New Jersey 08625-0439
Attn: Lyndhurst Section Chief

Please submit a copy of your comments to me at:

Willard F. Potter
Project Coordinator
Lower Passaic River Cooperating Parties Group
de maximis, Inc.
186 Center Street , Suite 290
Clinton, New Jersey 08809

You can also contact the NJDEP Division of Land Use Regulation by telephone at 609-777-0454 and can obtain general information about the program at the following link www.nj.gov/dep/landuse

Project Description

This sediment Removal Action will be conducted by the Lower Passaic River Study Area Cooperating Parties Group pursuant to a settlement agreement, and with the oversight of the U.S. Environmental Protection Agency (EPA) under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (CERCLA Docket No. 02-2012-2015). The NJDEP is also involved through its review of the project specifications and through issuance of Permit Equivalents for actions such as dredging.

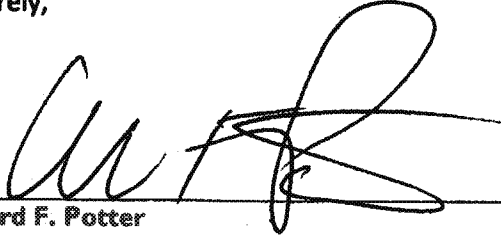
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The in-water dredging is planned to occur in July and August, 2013. No upland property will be utilized during this Removal Action. Furthermore, there will be no changes in elevation or flooding potential from this in-river work.

If you have further questions or require additional information on this project, please contact us at 908-735-9315.

Sincerely,



Willard F. Potter
On behalf of LPRSA CPG

FILE COPY

Enclosures:

**Figure 1 – Project Location
LURP2 Form**

Cc:

**Township Clerk of Lyndhurst
Bergen County Environmental Council
Township of Lyndhurst Building Department**



de maximis, inc.

186 Center Street
Suite 290
Clinton, NJ 08809
(908) 735-9315
(908) 735-2132 FAX

Willard F. Potter

Project Coordinator
Lower Passaic River Study Area
Cooperating Parties Group

February 18, 2013

FILE COPY

Township of Lyndhurst
367 Valley Brook Avenue
Lyndhurst, NJ 07071

Via US Certified Mail Return Receipt

**Subject: Public Notification for Owners of Real Property Within 200 feet of Proposed Development
River Mile 10.9 Removal Action, Lower Passaic River Study Area, Lyndhurst, New Jersey**

To Property Owner:

In accordance with the New Jersey Administrative Code (N.J.A.C.) 7:7 Coastal Permit Programs Rule, Subchapter 4, Permit Review Procedure, this letter is to provide you with legal notification that a permit-equivalent application will be submitted to the New Jersey Department of Environmental Protection (NJDEP), Land Use Regulation Program (LURP) for the project described below and shown on the enclosed plan. A Waterfront Development permit-equivalent is required for this project because it involves dredging of sediment from the Lower Passaic River. The complete permit-equivalent application package can be reviewed at either the municipal clerk's office or by appointment at the NJDEP's Trenton office. The NJDEP welcomes comments and any information that you may provide concerning the proposed development and site. Please submit your *written* comments within 15 days of your receipt of this letter to:

New Jersey Department of Environmental Protection
Land Use Regulation Program
PO Box 439
501 East State Street
Trenton, New Jersey 08625-0439
Attn: Lyndhurst Section Chief

Please submit a copy of your comments to me at:

Willard F. Potter
Project Coordinator
Lower Passaic River Study Area
Cooperating Parties Group
de maximis, Inc.
186 Center Street
Suite 290
Clinton, New Jersey 08809

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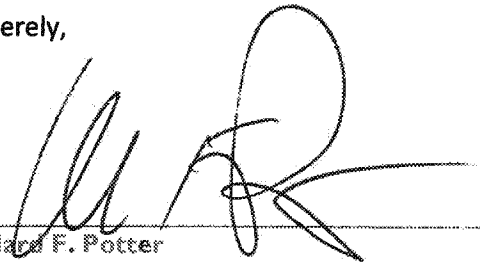
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FILE COPY


de maximis

If you have further questions or require additional information on this project, please contact us at 908-735-9315.

Sincerely,



Willard F. Potter

On behalf of LPRSA CPG

Enclosures:

Figure 1 – Project Location
LURP2 Form



de maximis, inc.

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Clinton, NJ 08809
(908) 735-9315
(908) 735-2132 FAX

Willard F. Potter

Project Coordinator
Lower Passaic River Study Area
Cooperating Parties Group

February 18, 2013

FILE COPY

Passaic River Coalition
246 Madisonville Road
Basking Ridge, New Jersey 07920

Via US Certified Mail Return Receipt

**Subject: Public Notification for Owners of Real Property Within 200 feet of Proposed Development
River Mile 10.9 Removal Action, Lower Passaic River Study Area, Lyndhurst, New Jersey**

To Passaic River Coalition:

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Project Coordinator
Lower Passaic River Study Area
Cooperating Parties Group
de maximis, Inc.
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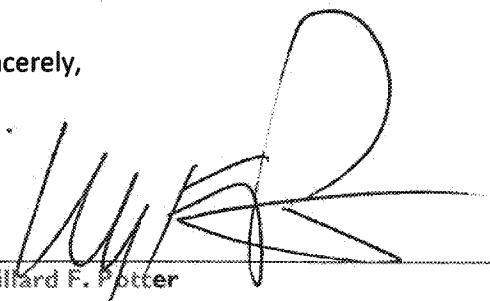
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FILE COPY


de maximis

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Sincerely,



Willard F. Potter

On behalf of LPRSA CPG

Enclosures:

Figure 1 – Project Location

LURP2 Form



de maximis, inc.

186 Center Street
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(908) 735-9315
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Willard F. Potter

Project Coordinator
Lower Passaic River Study Area
Cooperating Parties Group

February 18, 2013

FILE COPY

Jersey City Division of Water
Public Works Complex, 575 Route 440
Jersey City, New Jersey 07305

Via US Certified Mail Return Receipt

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River Mile 10.9 Removal Action, Lower Passaic River Study Area, Lyndhurst, New Jersey**

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Willard F. Potter
Project Coordinator
Lower Passaic River Study Area
Cooperating Parties Group
de maximis, Inc.
186 Center Street
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Clinton, New Jersey 08809

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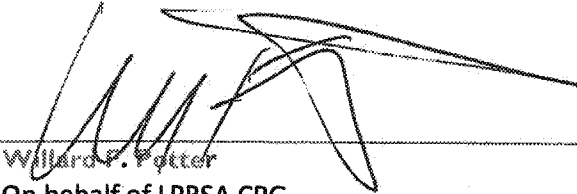
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FILE COPY


de maximis

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Willard P. Potter

On behalf of LPRSA CPG

Enclosures:

Figure 1 – Project Location

LURP2 Form



de maximis, inc.

186 Center Street
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Clinton, NJ 08809
(908) 735-9315
(908) 735-2132 FAX

Willard F. Potter

Project Coordinator
Lower Passaic River Study Area
Cooperating Parties Group

February 18, 2013

FILE COPY

Bergen County Park Commission
Court House Room 10
Hackensack, New Jersey 07601

Via US Certified Mail Return Receipt

**Subject: Public Notification for Owners of Real Property Within 200 feet of Proposed Development
River Mile 10.9 Removal Action, Lower Passaic River Study Area, Lyndhurst, New Jersey**

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FILE COPY


de maximis

If you have further questions or require additional information on this project, please contact us at 908-735-9315.

Sincerely,



Willard F. Potter

On behalf of LPRSA CPG

Enclosures:

Figure 1 – Project Location
LURP2 Form

» Page 3



de maximis, inc.

186 Center Street
Suite 290
Clinton, NJ 08809
(908) 735-9315
(908) 735-2132 FAX

Willard F. Potter

Project Coordinator
Lower Passaic River Study Area
Cooperating Parties Group

February 18, 2013

Robert E. & Theresa Brading
224 Riverside Avenue
Lyndhurst, New Jersey 07071

FILE COPY

Via US Certified Mail Return Receipt

**Subject: Public Notification for Owners of Real Property Within 200 feet of Proposed Development
River Mile 10.9 Removal Action, Lower Passaic River Study Area, Lyndhurst, New Jersey**

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Willard F. Potter
Project Coordinator
Lower Passaic River Study Area
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de maximis, Inc.
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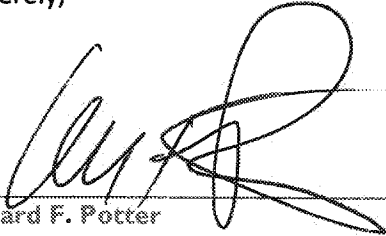
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de maximis

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Willard F. Potter

On behalf of LPRSA CPG

Enclosures:

Figure 1 – Project Location
LURP2 Form



de maximis, inc.

186 Center Street
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Clinton, NJ 08809
(908) 735-9315
(908) 735-2132 FAX

Willard F. Potter

Project Coordinator
Lower Passaic River Study Area
Cooperating Parties Group

February 18, 2013

FILE COPY

Paul A. Imbeninato
216 Riverside Avenue
Lyndhurst, New Jersey 07071

Via US Certified Mail Return Receipt

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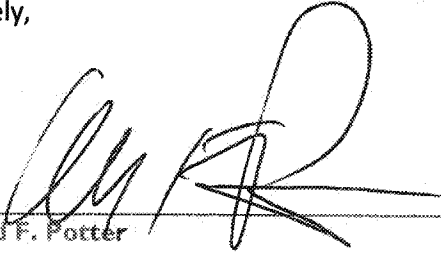
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FILE COPY


de maximis

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Sincerely,



Willard F. Potter

On behalf of LPRSA CPG

Enclosures:

Figure 1 – Project Location

LURP2 Form



de maximis, inc.

186 Center Street
Suite 290
Clinton, NJ 08809
(908) 735-9315
(908) 735-2132 FAX

Willard F. Potter

Project Coordinator
Lower Passaic River Study Area
Cooperating Parties Group

February 18, 2013

FILE COPY

Alfredo & Odelin Garcia
202 Riverside Avenue
Lyndhurst, New Jersey 07071

Via US Certified Mail Return Receipt

**Subject: Public Notification for Owners of Real Property Within 200 feet of Proposed Development
River Mile 10.9 Removal Action, Lower Passaic River Study Area, Lyndhurst, New Jersey**

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FILE COPY


de maximis

If you have further questions or require additional information on this project, please contact us at 908-735-9315.

Sincerely,



Willard F. Potter

On behalf of LPRSA CPG

Enclosures:

Figure 1 – Project Location
LURP2 Form



de maximis, inc.

186 Center Street
Suite 290
Clinton, NJ 08809
(908) 735-9315
(908) 735-2132 FAX

Willard F. Potter

Project Coordinator
Lower Passaic River Study Area
Cooperating Parties Group

February 18, 2013

Janusz Kruszewski (Etal)
228 Riverside Avenue
Lyndhurst, New Jersey 07071

FILE COPY

Via US Certified Mail Return Receipt

**Subject: Public Notification for Owners of Real Property Within 200 feet of Proposed Development
River Mile 10.9 Removal Action, Lower Passaic River Study Area, Lyndhurst, New Jersey**

To Property Owner:

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New Jersey Department of Environmental Protection
Land Use Regulation Program
PO Box 439
501 East State Street
Trenton, New Jersey 08625-0439
Attn: Lyndhurst Section Chief

Please submit a copy of your comments to me at:

Willard F. Potter
Project Coordinator
Lower Passaic River Study Area
Cooperating Parties Group
de maximis, Inc.
186 Center Street
Suite 290
Clinton, New Jersey 08809

You can also contact the NJDEP Division of Land Use Regulation by telephone at 609-777-0454 and can obtain general information about the program at the following link www.nj.gov/dep/landuse

Project Description

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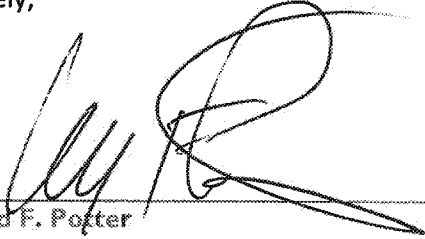
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de maximis

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Sincerely,



Willard F. Potter

On behalf of LPRSA CPG

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Figure 1 – Project Location
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* Page 3



de maximis, inc.

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Willard F. Potter

Project Coordinator
Lower Passaic River Study Area
Cooperating Parties Group

February 18, 2013

FILE COPY

Saverio Piccininni
170 Riverside Avenue
Lyndhurst, New Jersey 07071

Via US Certified Mail Return Receipt

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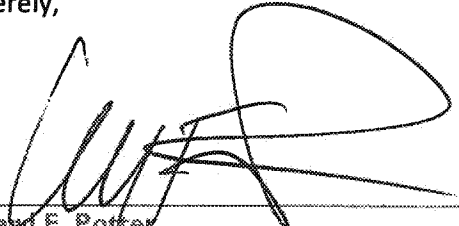
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FILE COPY


de maximis

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Sincerely,



Willard F. Potter

On behalf of LPRSA CPG

Enclosures:

Figure 1 – Project Location

LURP2 Form



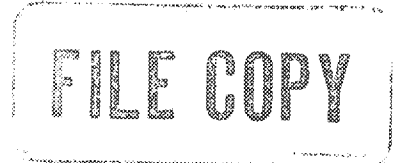
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Willard F. Potter

Project Coordinator
Lower Passaic River Study Area
Cooperating Parties Group

February 18, 2013



Milton P. Filho & Elaina Pereira
234 Riverside Avenue
Lyndhurst, New Jersey 07071

Via US Certified Mail Return Receipt

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Project Coordinator
Lower Passaic River Study Area
Cooperating Parties Group
de maximis, Inc.
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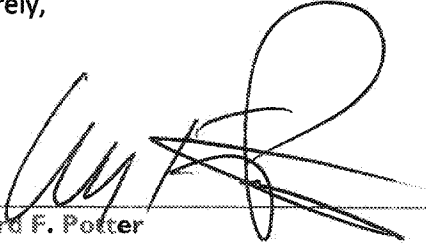
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FILE COPY


de maximis

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Willard F. Potter

On behalf of LPRSA CPG

Enclosures:

Figure 1 – Project Location

LURP2 Form



de maximis, inc.

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Clinton, NJ 08809
(908) 735-9315
(908) 735-2132 FAX

Willard F. Potter

Project Coordinator
Lower Passaic River Study Area
Cooperating Parties Group

February 18, 2013

FILE COPY

Karen Reilly
200 Riverside Avenue
Lyndhurst, New Jersey 07071

Via US Certified Mail Return Receipt

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de maximis, Inc.
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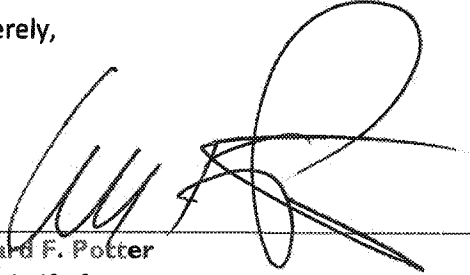
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On behalf of LPRSA CPG

Enclosures:

Figure 1 – Project Location

LURP2 Form

» Page 3



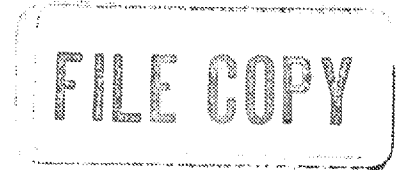
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Willard F. Potter

Project Coordinator
Lower Passaic River Study Area
Cooperating Parties Group

February 18, 2013



Orlando & Maria F. Sanchez
174 Riverside Avenue
Lyndhurst, New Jersey 07071

Via US Certified Mail Return Receipt

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Willard F. Potter

On behalf of LPRSA CPG

Enclosures:

Figure 1 – Project Location
LURP2 Form

» Page 3



de maximis, inc.

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Willard F. Potter

Project Coordinator
Lower Passaic River Study Area
Cooperating Parties Group

February 18, 2013

Helen Tomson
208 Highland Cross
Rutherford, New Jersey 07070

FILE COPY

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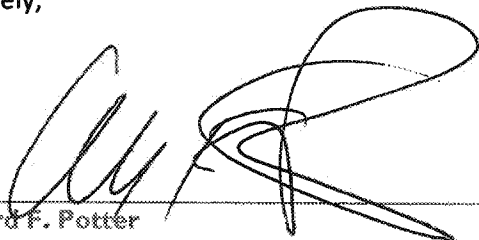
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